scanned

MONTANA LEGISLATIVE HISTORY

Chapter 542 1992025

Bill H _____ S 285 Original bill & history ✓ C

H. Committee on Transportation		S. Committee on Highways	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
3/11	___C	2/10	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 3/22	___C	2/16	

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SB 283 INTRODUCED BY WILLIAMS *LC1698 DRAFTER: MACMASTER*

REVISE PARTNER AND FAMILY MEMBER ASSAULT

1/22	INTRODUCED		
1/22	REFERRED TO JUDICIARY		
1/22	FISCAL NOTE REQUESTED		
1/31	HEARING		
2/01	FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE SIGNED		
2/01	FISCAL NOTE PRINTED		
4/04	MISSED DEADLINE FOR REVENUE BILL TRANSMITTAL		

SB 284 INTRODUCED BY COCCHIARELLA *LC0259 DRAFTER: MARTIN*

REVISE TAX LAWS BY ELIMINATING CLASS EIGHT TRIGGER

8/10	FISCAL NOTE NEEDED		
1/22	INTRODUCED		
1/22	REFERRED TO TAXATION		
1/22	FISCAL NOTE REQUESTED		
2/01	FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE SIGNED		
2/02	HEARING		
2/02	FISCAL NOTE PRINTED		
3/11	TABLED IN COMMITTEE		
4/04	MISSED DEADLINE FOR REVENUE BILL TRANSMITTAL		

SB 285 INTRODUCED BY STORY *LC0013 DRAFTER: PETESCH*

ORGANIZE AND SIMPLIFY MOTOR VEHICLE LAWS

1/22	INTRODUCED		
1/22	REFERRED TO HIGHWAYS AND TRANSPORTATION		
1/22	FISCAL NOTE REQUESTED		
2/02	FISCAL NOTE RECEIVED		
2/02	FISCAL NOTE SIGNED		
2/03	FISCAL NOTE PRINTED		
2/10	HEARING		
2/16	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	9	0
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/17	REVISED FISCAL NOTE REQUESTED		
2/18	REVISED FISCAL NOTE RECEIVED		
2/18	REVISED FISCAL NOTE SIGNED		
2/19	2ND READING PASSED ON VOICE VOTE	50	0
2/19	REVISED FISCAL NOTE PRINTED		
2/21	3RD READING PASSED	48	2
	TRANSMITTED TO HOUSE		
3/03	REFERRED TO TRANSPORTATION		
3/11	HEARING		
3/22	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED AS AMENDED	12	0
3/22	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/24	REVISED FISCAL NOTE REQUESTED		
3/29	REVISED FISCAL NOTE RECEIVED		
3/29	REVISED FISCAL NOTE SIGNED		
3/30	REVISED FISCAL NOTE PRINTED		
4/08	2ND READING CONCURRED AS AMENDED	89	10
4/11	3RD READING CONCURRED	92	8
	RETURNED TO SENATE WITH AMENDMENTS		
4/12	2ND READING HOUSE AMENDMENTS CONCURRED ON VOICE VOTE	50	0
4/13	3RD READING PASSED AS AMENDED BY HOUSE	50	0
4/13	SENT TO ENROLLING		
4/18	RETURNED FROM ENROLLING		
4/18	SIGNED BY PRESIDENT		
4/19	SIGNED BY SPEAKER		
4/19	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
4/29	CHAPTER NUMBER ASSIGNED		

CHAPTER NUMBER 542
EFFECTIVE DATE: 7/01/2005 - SECTIONS 4 AND 246
EFFECTIVE DATE: 1/01/2006 - SECTIONS 1-3 AND 5-245

SB 286 INTRODUCED BY D. RYAN *LC1049 DRAFTER: B. CAMPBELL*

REVISE CONSTRUCTION PAYMENT LAWS

SENATE BILL NO. 285

INTRODUCED BY B. STORY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE MOTOR VEHICLE LAWS; REORGANIZING AND RECODIFYING DEFINITIONS; REPLACING ALLOCATIONS OF MOTOR VEHICLE REVENUE TO SPECIAL ACCOUNTS WITH A PERCENTAGE OF THE REVENUE COLLECTED RATHER THAN AN AMOUNT PER VEHICLE; PROVIDING FOR THE DIRECT DEPOSIT OF THE OPTIONAL MOTOR VEHICLE REGISTRATION FEE FOR STATE PARKS; REVISING THE TRANSFER OF FUNDS BY COUNTY TREASURERS TO THE STATE; REQUIRING THE TRANSFER OF VEHICLE AND VESSEL TRANSACTION FEES TO THE DEPARTMENT OF JUSTICE BEGINNING ON JULY 1, 2006; REVISING AND CLARIFYING REGISTRATION FEES FOR WATERCRAFT, SNOWMOBILES, AND VEHICLES; COMBINING FEES IN LIEU OF TAX AND REGISTRATION FEES; AMENDING SECTIONS 10-2-112, 10-3-801, 15-1-101, 15-1-122, 15-1-504, 15-6-138, 15-6-201, 15-6-215, 15-8-201, 15-8-202, 15-15-201, 15-16-202, 15-24-301, 15-30-121, 15-50-207, 15-68-101, 20-9-331, 20-9-333, 20-9-360, 20-25-1002, 23-1-128, 23-2-512, 23-2-513, 23-2-515, 23-2-519, 23-2-601, 23-2-614, 23-2-616, 23-2-619, 23-2-631, 23-2-634, 23-2-641, 23-2-642, 23-2-644, 23-2-804, 23-2-809, 23-2-818, 30-11-701, 33-23-204, 37-72-101, 45-5-205, 61-1-101, 61-3-101, 61-3-103, 61-3-106, 61-3-107, 61-3-110, 61-3-201, 61-3-202, 61-3-204, 61-3-205, 61-3-206, 61-3-208, 61-3-210, 61-3-211, 61-3-212, 61-3-216, 61-3-217, 61-3-218, 61-3-219, 61-3-220, 61-3-221, 61-3-222, 61-3-223, 61-3-224, 61-3-301, 61-3-302, 61-3-303, 61-3-311, 61-3-312, 61-3-313, 61-3-314, 61-3-315, 61-3-316, 61-3-317, 61-3-318, 61-3-321, 61-3-322, 61-3-323, 61-3-324, 61-3-325, 61-3-331, 61-3-332, 61-3-333, 61-3-334, 61-3-335, 61-3-342, 61-3-345, 61-3-401, 61-3-403, 61-3-404, 61-3-411, 61-3-412, 61-3-413, 61-3-421, 61-3-422, 61-3-423, 61-3-425, 61-3-431, 61-3-446, 61-3-448, 61-3-456, 61-3-458, 61-3-460, 61-3-465, 61-3-467, 61-3-468, 61-3-474, 61-3-479, 61-3-480, 61-3-481, 61-3-501, 61-3-503, 61-3-506, 61-3-507, 61-3-509, 61-3-520, 61-3-526, 61-3-529, 61-3-535, 61-3-537, 61-3-562, 61-3-603, 61-3-604, 61-3-607, 61-3-701, 61-3-702, 61-3-703, 61-3-704, 61-3-707, 61-3-708, 61-3-709, 61-3-711, 61-3-712, 61-3-714, 61-3-715, 61-3-716, 61-3-717, 61-3-718, 61-3-719, 61-3-720, 61-3-721, 61-3-722, 61-3-723, 61-3-724, 61-3-725, 61-3-727, 61-3-728, 61-3-729, 61-3-730, 61-3-732, 61-3-733, 61-3-736, 61-3-737, 61-4-101, 61-4-102, 61-4-104,

61-4-109, 61-4-110, 61-4-111, 61-4-112, 61-4-113, 61-4-120, 61-4-121, 61-4-122, 61-4-123, 61-4-125, 61-4-129, 61-4-131, 61-4-141, 61-4-143, 61-4-202, 61-4-204, 61-4-208, 61-4-301, 61-4-302, 61-4-306, 61-4-307, 61-4-310, 61-4-404, 61-4-501, 61-4-503, 61-4-504, 61-4-505, 61-4-506, 61-4-511, 61-4-519, 61-4-525, 61-5-104, 61-5-112, 61-5-119, 61-5-121, 61-5-208, 61-6-102, 61-6-301, 61-8-102, 61-8-201, 61-8-210, 61-8-310, 61-8-336, 61-8-341, 61-8-354, 61-8-371, 61-8-380, 61-8-383, 61-8-384, 61-8-401, 61-8-605, 61-8-704, 61-8-713, 61-8-801, 61-9-102, 61-9-103, 61-9-226, 61-9-302, 61-9-304, 61-9-321, 61-9-402, 61-9-405, 61-9-406, 61-9-412, 61-9-415, 61-9-426, 61-10-102, 61-10-104, 61-10-123, 61-10-141, 61-10-148, 61-10-206, 61-10-225, 61-11-203, 61-12-101, 61-12-102, 61-13-103, 75-10-532, 76-2-202, 76-2-302, 87-2-803, AND 87-3-101, MCA; REPEALING SECTIONS 23-2-516, 23-2-517, 23-2-518, 23-2-626, 23-2-803, 23-2-817, 61-1-102, 61-1-103, 61-1-104, 61-1-105, 61-1-106, 61-1-107, 61-1-108, 61-1-109, 61-1-110, 61-1-111, 61-1-112, 61-1-113, 61-1-114, 61-1-115, 61-1-116, 61-1-117, 61-1-118, 61-1-119, 61-1-120, 61-1-121, 61-1-123, 61-1-124, 61-1-125, 61-1-126, 61-1-127, 61-1-128, 61-1-129, 61-1-130, 61-1-131, 61-1-132, 61-1-133, 61-1-134, 61-1-135, 61-1-136, 61-1-137, 61-1-138, 61-1-139, 61-1-140, 61-1-141, 61-1-142, 61-1-201, 61-1-202, 61-1-203, 61-1-204, 61-1-205, 61-1-206, 61-1-207, 61-1-208, 61-1-209, 61-1-210, 61-1-211, 61-1-212, 61-1-301, 61-1-302, 61-1-303, 61-1-304, 61-1-305, 61-1-306, 61-1-307, 61-1-308, 61-1-309, 61-1-310, 61-1-311, 61-1-313, 61-1-314, 61-1-315, 61-1-316, 61-1-317, 61-1-318, 61-1-319, 61-1-320, 61-1-321, 61-1-401, 61-1-402, 61-1-403, 61-1-404, 61-1-405, 61-1-406, 61-1-407, 61-1-408, 61-1-409, 61-1-410, 61-1-411, 61-1-412, 61-1-413, 61-1-414, 61-1-415, 61-1-501, 61-1-502, 61-1-503, 61-1-504, 61-1-505, 61-1-506, 61-1-507, 61-1-508, 61-1-509, 61-1-510, 61-1-511, 61-1-512, 61-1-513, 61-1-514, 61-1-515, 61-1-601, 61-1-602, 61-1-603, 61-1-604, 61-3-521, 61-3-522, 61-3-523, 61-3-527, 61-3-528, 61-3-530, 61-3-560, AND 61-3-561, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-2-112, MCA, is amended to read:

"10-2-112. Veterans' services special revenue account -- sources of funds -- designated uses. (1) There is a veterans' services account in the state special revenue fund, established pursuant to 17-2-102(1)(b), to the credit of the board.

(2) Money transferred pursuant to ~~15-1-122(3)(h)~~ 15-1-122(3)(d) from license plate sales as described in 10-2-114 and from gifts, grants, or donations must be deposited in the veterans' services account.

(3) Legislative appropriations of money in the veterans' services account must be used for the purposes identified in 10-2-102 or other functions authorized by the board.

(4) There is a veterans' services federal account in the federal special revenue fund established for federal funds received under 10-2-106."

Section 2. Section 10-3-801, MCA, is amended to read:

"10-3-801. Account created for funding search and rescue operations -- rules. (1) There is an account in the state special revenue fund established in 17-2-102. The account must be administered by the disaster and emergency services division of the department exclusively for the purposes of search and rescue as provided in this section. The department may retain up to 5% of the money in the account to pay its costs of administering this section.

(2) There must be deposited in the account:

(a) fund transfers pursuant to ~~15-1-122(3)(g)~~ 15-1-122(3)(f);

(b) fund transfers pursuant to 87-1-601(9). These funds may be used only as provided in 87-1-601(9).

(c) all money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for search and rescue operations.

(3) (a) Not less than 50% of the money in the account must be used by the department to defray costs of search and rescue missions conducted by a county sheriff's office at a maximum of $3,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved.

(b) The remaining money in the account may be used by the department:

(i) to match local funds for the purchase of equipment for use by local search and rescue units at a maximum of $2,000 for each unit in a calendar year. The cost-sharing match must be 35% local funds to 65% from the account.

(ii) for reimbursement of expenses related to the training of search and rescue volunteers.

(4) The department may adopt rules to implement the proper administration of the account. The rules may include:

(a) a method of reimbursing a county ~~sheriff offices~~ sheriff's office, on a case-by-case basis, for authorized search and rescue operations conducted pursuant to subsection (3)(a), including verification of search missions, claims procedures, fiscal accountability, and the number and circumstances of search missions involving persons engaged in hunting, fishing, and trapping in a fiscal year;

(b) methods for processing requests for equipment matching funds and training funds made pursuant to subsection (3)(b), including any verification and accounting necessary to ensure that the provisions of subsection (3)(b) are met, and determining the percentage of all search missions involving persons engaged in hunting, fishing, or trapping in a fiscal year; and

(c) a system involving input from representatives of county sheriff organizations and state and local search and rescue organizations for assistance in verifying and processing claims for reimbursement, equipment, and training."

Section 3. Section 15-1-101, MCA, is amended to read:

"15-1-101. Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, biological control insects, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive

environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and the profit margin shown in national appraisal guides and manuals or the valuation schedules of the department.

(d) (i) The term "commercial", when used to describe property, means property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except property described in subsection (1)(d)(ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes and manufactured homes used exclusively as a residence except when held by a distributor or dealer as stock in trade; and

(E) all property described in 15-6-135.

(e) The term "comparable property" means property that:

(i) has similar use, function, and utility;

(ii) is influenced by the same set of economic trends and physical, governmental, and social factors; and

(iii) has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) (i) "Department", except as provided in subsection (1)(g)(ii), means the department of revenue provided for in 2-15-1301.

(ii) In chapters 70 and 71, department means the department of transportation provided for in 2-15-2501.

(h) The terms "gas" and "natural gas" are synonymous and mean gas as defined in 82-1-111(2). The terms include all natural gases and all other fluid hydrocarbons, including methane gas or any other natural gas found in any coal formation.

(i) The term "improvements" includes all buildings, structures, fences, and

improvements situated upon, erected upon, or affixed to land. When the department determines that the permanency of location of a mobile home, manufactured home, or housetrailer has been established, the mobile home, manufactured home, or housetrailer is presumed to be an improvement to real property. A mobile home, manufactured home, or housetrailer may be determined to be permanently located only when it is attached to a foundation that cannot feasibly be relocated and only when the wheels are removed.

(j) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification, and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on leasehold improvements are a lien only on the leasehold improvements.

(k) The term "livestock" means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

(l) (i) The term "manufactured home" means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards.

(ii) A manufactured home does not include a mobile home, as defined in ~~61-1-501~~ 61-1-101 and in subsection (1)(m) of this section, a housetrailer, as defined in ~~61-1-501~~ 61-1-101, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(m) The term "mobile home" means forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

(n) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements" and "intangible personal property" as that term is defined in 15-6-218.

(o) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(p) The term "property" includes money, credits, bonds, stocks, franchises,

and all other matters and things, real, personal, and mixed, capable of private ownership. This definition may not be construed to authorize the taxation of the stocks of a company or corporation when the property of the company or corporation represented by the stocks is within the state and has been taxed.

(q) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8;

(iii) all timber belonging to individuals or corporations growing or being on the lands of the United States; and

(iv) all rights and privileges appertaining to mines, minerals, quarries, and timber.

(r) "Recreational" means hunting, fishing, swimming, boating, waterskiing, camping, biking, hiking, and winter sports, including but not limited to skiing, skating, and snowmobiling.

(s) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(t) The term "stock in trade" means any mobile home, manufactured home, or housetrailer that is listed by the dealer as inventory and that is offered for sale, is unoccupied, and is not located on a permanent foundation. Inventory does not have to be located at the business location of a dealer or a distributor.

(u) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" includes a county, city, incorporated town, township, school district, irrigation

district, or drainage district or a person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification means the state tax appeal board."

Section 4. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, $36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) $75,000 in fiscal year 2003;~~

~~(b)~~(a) $0 in fiscal years 2004 and 2005;

~~(c)~~(b) $3,050,205 in fiscal year 2006; and

~~(d)~~(c) in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5,~~:~~

~~(i) $2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and~~

~~(ii) $1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant to Title 61, chapter 3, part 3, and $5 for each permanently registered light vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532.~~ 1.63% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.5% of the motor vehicle

revenue deposited in the state general fund in succeeding fiscal years. The amount of 8.75% of the allocation in fiscal year 2006 and 9.48% of the allocation in fiscal year 2007 and succeeding years must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816~~:~~,

~~(i) $1 in fiscal year 2006 and, in each subsequent year, $2.75 for each off-highway vehicle for which the fee in lieu of tax is paid, as provided for in 23-2-803; and~~

~~(ii) for vehicles registered or reregistered pursuant to 61-3-321:~~

~~(A) $1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle weighing more than 1 ton, and motor home; and~~

~~(B) $1.50 in fiscal year 2006 and, in each subsequent year, $3.65 for each motorcycle and quadricycle; and~~

~~(C) $7.50 for each permanently registered light vehicle~~ 1.61% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.56% of the motor vehicle revenue deposited in the state general fund in succeeding fiscal years;

(c) to the department of fish, wildlife, and parks:

(i) ~~$2.50 in fiscal year 2006 and,~~ 0.47% of the motor vehicle revenue deposited in the state general fund in each ~~subsequent~~ fiscal year~~, $14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received~~ with the applicable percentage to be:

(A) used to:

(I) acquire and maintain pumpout equipment and other boat facilities, 4.8%;

(II) enforce the provisions of 23-2-804, 12.1% in fiscal year 2006 and 11.1% in fiscal year 2007 and succeeding fiscal years; and

(III) develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use, 18.1% in fiscal year 2006 and 16.7% in fiscal year 2007 and succeeding fiscal years; and

(B) deposited in the state special revenue fund established in 23-1-105;

(ii) ~~$5 in fiscal year 2006 and,~~ 0.12% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.10% of the motor vehicle revenue deposited in the state general fund in each subsequent fiscal year, ~~$19 for each snowmobile registered under 23-2-616,~~ with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and

~~(iii) $1 for each duplicate snowmobile registration decal issued under 23-2-617;~~

~~(iv) $5 in fiscal year 2006 and, in each subsequent year, $13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;~~

~~(v) to the state special revenue fund established in 23-1-105, $3.50 in fiscal year 2006 and, in each subsequent year, $8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;~~

~~(vi)~~(iii) ~~an amount equal to 20%~~ 0.5% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.16% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year ~~of the funds collected pursuant to 23-2-518~~ to be deposited in the motorboat account to be used as provided in 23-2-533; ~~and~~

~~(vii) to the state special revenue fund established in 23-1-105, $4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with $3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;~~

(d) 0.75% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.65% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year to be deposited in the state veterans' cemetery account~~,~~ provided for in 10-2-603~~, $10 for each veteran's license plate subject to~~

~~the fee in 61-3-459~~ and the veterans' services account provided for in 10-2-112(1);

~~(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:~~

~~(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;~~

~~(f)~~(e) ~~25 cents a year for each registered vehicle and $1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6)~~ 0.59% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.31% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112;

~~(g)~~(f) to the search and rescue account provided for in 10-3-801~~:~~

~~(i) $2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;~~

~~(ii) $2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and~~

~~(iii) $2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803~~ 0.20% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.05% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year; and

~~(h) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1)~~

(g) $215,000 to the state motorcycle safety account established in 20-25-1002.

(4) ~~For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts in each fiscal year must be based on vehicle counts~~

~~in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.~~ For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means revenue received from:

(a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

(b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered pursuant to 61-3-321 and 61-3-562;

(c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

(d) all money collected pursuant to 15-1-504(3).

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

Section 5. Section 15-1-504, MCA, is amended to read:

"15-1-504. Settlement of county treasurer with department. (1) Except as provided in ~~subsection~~ subsections (2) and (3), the county treasurer, between the 1st and 20th days of each month, shall remit to the department all money belonging to the state that was collected by the county treasurer during the preceding month. The remittance must be accompanied by a detailed report upon a form that the department prescribes. The department may assess counties an interest charge of 10% a year on all money not remitted within 5 days from the time required by this section.

(2) By June 20 of each year, the county treasurer shall remit to the department an estimate of all money belonging to the state that was collected by the county treasurer by June 15, in addition to the amount collected during the preceding month. ~~In~~ By July 15, the county treasurer shall remit all money belonging to the state that was collected by the county treasurer during the remainder of June.

(3) Beginning July 1, 2006, the county treasurer shall remit to the department of justice by the 20th of each month all state money that was collected by the county treasurer due to motor vehicle, vessel, and snowmobile transactions during the preceding

month. The remittance must be accompanied by a detailed report upon a form prescribed by the department of justice. The department may assess counties an interest charge, at the rate of 10% a year, on all money that is not remitted by the prescribed time."

Section 6. Section 15-6-138, MCA, is amended to read:

"15-6-138. (Temporary) Class eight property -- description -- taxable percentage. (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-201(1)(bb);

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;

(c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-201, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;

(f) special mobile equipment as defined in ~~61-1-104~~ 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens' band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds per axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(3) "Commercial establishment" includes any hotel~~,~~ motel~~,~~ office~~,~~ petroleum marketing station~~,~~ or service, wholesale, retail, or food-handling business.

(4) Class eight property is taxed at 3% of its market value.

(5) (a) If~~,~~ in any year beginning with tax year 2004~~,~~ the percentage growth in inflation-adjusted Montana wage and salary income is at least 2.85% from the year prior to the base year, then the tax rate for class eight property will be reduced by 1% each year until the tax rate reaches zero.

(b) For each tax year, the base year is the year 3 years before the applicable tax year and the target year is the year 2 years before the applicable tax year.

(c) The department shall calculate the percentage growth in subsection (5)(a) by October 30 of each target year by using the formula (W/CPI) - 1, where:

(i) W is the Montana wage and salary income for the calendar base year divided by the Montana wage and salary income for the calendar year prior to the base year; and

(ii) CPI is the consumer price index for the calendar base year used in subsection (5)(c)(i) divided by the consumer price index for the year prior to the most current calendar year prior to the base year used in subsection (5)(c)(i).

(d) For purposes of determining the percentage growth in subsection (5)(a), the department shall use the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements, fall SA07 (state annual) for the target year wage and salary data series.

(e) Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(6) The class eight property of a person or business entity that owns an aggregate

of $5,000 or less in market value of class eight property is exempt from taxation. (Repealed on occurrence of contingency--secs. 27(2), 31(4), Ch. 285, L. 1999.)"

Section 7. Section 15-6-201, MCA, is amended to read:

"**15-6-201. Exempt categories.** (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

(iv) municipal corporations;

(v) public libraries; and

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that is:

(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and operated for private or corporate profit;

(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;

(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) truck canopy covers or toppers and campers;

(j) a bicycle, as defined in ~~61-1-123~~ 61-8-102, used by the owner for personal transportation purposes;

(k) motor homes;

(l) all watercraft;

(m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;

(n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;

(o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated

for gain or profit; and

(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;

(p) all farm buildings with a market value of less than $500 and all agricultural implements and machinery with a market value of less than $100;

(q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(r) (i) the first $15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(A) construct, repair, and maintain improvements to real property; or

(B) repair and maintain machinery, equipment, appliances, or other personal property;

(ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(s) harness, saddlery, and other tack equipment;

(t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(u) timber as defined in 15-44-102;

(v) all trailers ~~as defined in 61-1-111~~, semitrailers ~~as defined in 61-1-112~~, pole trailers ~~as defined in 61-1-114~~, and travel trailers as those terms are defined in ~~61-1-131~~ 61-1-101;

(w) all vehicles registered under 61-3-456;

(x) (i) buses, trucks having a manufacturer's rated capacity of more than 1

ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);

(y) motorcycles and quadricycles;

(z) the following percentage of the market value of residential property described in 15-6-134(1)(e) and (1)(f):

~~(i) 31% for tax year 2003;~~

~~(ii) 31.4% for tax year 2004;~~

~~(iii)~~(i) 32% for tax year 2005;

~~(iv)~~(ii) 32.6% for tax year 2006;

~~(v)~~(iii) 33.2% for tax year 2007;

~~(vi)~~(iv) 34% for tax year 2008 and succeeding tax years;

(aa) the following percentage of the market value of commercial property as described in 15-6-134(1)(g):

~~(i) 13% for tax year 2003;~~

~~(ii) 13.3% for tax year 2004;~~

~~(iii)~~(i) 13.8% for tax year 2005;

~~(iv)~~(ii) 14.2% for tax year 2006;

~~(v)~~(iii) 14.6% for tax year 2007;

~~(vi)~~(iv) 15% for tax year 2008 and succeeding tax years;

(bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;

(cc) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(i) the acquired cost of the personal property is less than $15,000;

(ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(iii) the lease of the personal property is generally on an hourly, daily, or

weekly basis;

(dd) all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from grain during the course of the construction of an ethanol manufacturing facility and for 10 years after completion of construction of the manufacturing facility;

(ee) light vehicles as defined in ~~61-1-139~~ 61-1-101; and

(ff) the following property, except property included in 15-6-135, 15-6-137, 15-6-141, 15-6-145, and 15-6-156, if the tax rate in 15-6-138 reaches zero:

(i) all agricultural implements and equipment;

(ii) all mining machinery, fixtures, equipment, tools, and supplies;

(iii) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools, and supplies;

(iv) all manufacturing machinery, fixtures, equipment, tools, and supplies;

(v) all goods and equipment that are intended for rent or lease;

(vi) special mobile equipment as defined in ~~61-1-104~~ 61-1-101;

(vii) furniture, fixtures, and equipment;

(viii) x-ray and medical and dental equipment;

(ix) citizens' band radios and mobile telephones;

(x) radio and television broadcasting and transmitting equipment;

(xi) cable television systems;

(xii) coal and ore haulers; and

(xiii) theater projectors and sound equipment.

(2) (a) For the purposes of subsection (1)(e):

(i) the term "institutions of purely public charity" includes any organization that meets the following requirements:

(A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.

(B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

(ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

(b) For the purposes of subsection (l)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

(i) actually used by the governmental entity or nonprofit organization as a part of its public display;

(ii) held for future display; or

(iii) used to house or store a public display.

(3) For the purposes of subsection (l)(bb):

(a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.

(b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.

(4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

(a) $20,000 in the case of a single-family residential dwelling;

(b) $100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

Section 8. Section 15-6-215, MCA, is amended to read:

"15-6-215. Exemption for motion picture and television commercial property. Except as provided in 15-24-305 and 61-3-520, all property, including vehicles, brought into the state or otherwise used for the exclusive purpose of filming motion pictures or television commercials is exempt from property taxation and registration fees under ~~61-3-560 and 61-3-561~~ 61-3-321(2), provided that the property does not remain in the state for a period in excess of 180 consecutive days in a calendar year."

Section 9. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department shall, between January 1 and the first Monday of August in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county.

(2) The department shall assess property to:

(a) the person by whom it was owned or claimed or in whose possession or control it was at midnight of the preceding January 1; or

(b) except in the case of land splits, the new owner if the provisions of 15-7-304 have been met and the transfer certificate has been received and processed prior to determining the taxes that are due as provided in 15-10-305(2).

(3) The department shall also ascertain and assess all mobile homes arriving in the county after midnight of the preceding January 1.

(4) A mistake in the name of the owner or supposed owner of real property does

not invalidate the assessment.

(5) The procedure provided by this section does not apply to:

(a) motor vehicles;

(b) motor homes, travel trailers, and campers;

(c) watercraft;

(d) livestock;

(e) property defined ~~in 61-1-104~~ as special mobile equipment in 61-1-101 that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment plate;

(f) mobile homes and manufactured homes held by a distributor or dealer as stock in trade; and

(g) property subject to the provisions of 15-16-203."

Section 10. Section 15-8-202, MCA, is amended to read:

"15-8-202. Motor vehicle assessment by department of justice. (1) (a) The department of justice shall determine the registration fee on light vehicles in accordance with ~~61-3-560 through~~ 61-3-321 and 61-3-562.

(b) For the purposes of the local option motor vehicle tax under 61-3-537, the department of justice shall assess all light vehicles, subject to 61-3-313 through 61-3-316 and 61-3-501, for taxation in accordance with 61-3-503.

(c) The department of justice shall determine the registration fee ~~in lieu of tax~~ for all buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors in accordance with ~~61-3-528~~ 61-3-321 and 61-3-529.

(d) Taxes~~,~~ and registration fees~~, or fees in lieu of tax~~ on a motor vehicle under this subsection (1) must be assessed or imposed in each year on the person who owned or claimed the motor vehicles or in whose possession or control the motor vehicle was on the anniversary registration date.

(2) A tax or fee ~~in lieu of tax~~ may not be assessed or imposed against motor vehicles subject to taxation or to a fee ~~in lieu of tax~~ that constitute inventory of motor vehicle dealers as of January 1. These vehicles and all other motor vehicles subject to taxation or a fee in lieu of tax that are brought into the state after January

1 as motor vehicle dealers' inventories must be assessed to their respective purchasers as of the dates the vehicles are registered by the purchasers.

(3) "Purchasers" includes dealers who apply for registration or reregistration of motor vehicles.

(4) Goods, wares, and merchandise of motor vehicle dealers, other than new motor vehicles and new mobile homes, must be assessed at market value as of January 1.

(5) (a) The department of justice is authorized to appear in any proceeding before a county tax appeal board, the state tax appeal board, or a court that seeks to dispute an assessment made by the department pursuant to the authority granted under this section.

(b) For the purposes of proceedings before county tax appeal boards or the state tax appeal board, service of the application required under 15-15-201 must be made on the attorney general. A copy of any application giving rise to a proceeding before a county tax appeal board or the state tax appeal board must also be served on the county treasurer of the county in which the vehicle that is the subject of the proceeding was registered."

Section 11. Section 15-15-201, MCA, is amended to read:

"**15-15-201. Motor vehicle tax appeals -- payment and protest of local option taxes or fees in lieu of tax on motor vehicles.** (1) (a) A taxpayer who seeks to appeal the imposition of local option taxes on light vehicles or fees in lieu of tax assessed against a motor vehicle and imposed by the department of justice under authority of 15-8-202 shall file a written application for the appeal not later than 30 days after the anniversary date for reregistration, as determined by 61-3-315, of the motor vehicle that is the subject of the appeal. The application must be on a form prescribed by the department of justice in consultation with the state tax appeal board.

(b) The application must include a specific explanation of the basis for the taxpayer's appeal. The basis for appeal must be related to the factors to be considered and applied by the department of justice under 61-3-503, 61-3-506, ~~61-3-528,~~ and 61-3-529.

(2) (a) The treasurer of the county or municipality is not required to deposit

local option vehicle taxes or fees in lieu of tax on a motor vehicle paid under protest in the special fund designated as a protest fund as required for property taxes under 15-1-402. The taxes or fees paid under protest may be reported and distributed in the same manner as those received without protest.

(b) If a refund is payable as a result of the taxpayer prevailing in a tax appeal or court proceeding concerning the protested motor vehicle taxes or fees, a refund may be made in accordance with 15-16-603.

(3) (a) A motor vehicle tax appeal may be heard by the county tax appeal board during its next regularly scheduled session if the application for the appeal was filed by December 1. If during its current session, a county tax appeal board refuses or fails to hear a taxpayer's application that was timely filed by December 1, then the taxpayer's application is considered to be granted on the day following the board's final meeting for that year.

(b) A motor vehicle tax appeal filed after December 1 may be held over by the board to a session in the following year. If a taxpayer's application that was timely filed after December 1 of the current session of the county tax appeal board is held over to a session in the following year and if the county tax appeal board refuses or fails to hear the application during the following session, then the application is considered to be granted on the day following the board's final meeting for that year."

Section 12. Section 15-16-202, MCA, is amended to read:

"15-16-202. ~~Boats, snowmobiles, and motor~~ Motor vehicles -- payment of fees. ~~(1) The fee in lieu of personal property taxes assessed against a motorboat, sailboat, or personal watercraft described in 23-2-517 for the year in which application for a registration decal is made must be paid before the registration decal may be issued pursuant to 23-2-515.~~

~~(2) The fee in lieu of tax imposed on a snowmobile for the year in which application for registration is made must be paid before a snowmobile may be registered pursuant to 23-2-616.~~

~~(3)~~(1) (a) Except for mobile homes and manufactured homes as defined in 15-1-101

and except as provided in subsection ~~(3)(b)~~ (1)(b) of this section, the light vehicle registration fee or fee in lieu of tax imposed against a motor vehicle for the current year and the immediately previous year must be paid before a motor vehicle may be registered or reregistered pursuant to 61-3-303.

(b) The vehicle registration fees or fee in lieu of tax imposed against a motor vehicle described in 61-3-303(9) must be paid before a motor vehicle may be registered pursuant to 61-3-303.

~~(4)~~(2) The provisions of ~~subsections (1) and (3)(a)~~ subsection (1)(a) do not require payment of the immediately previous year's fees if the fees have already been paid."

Section 13. Section 15-24-301, MCA, is amended to read:

"15-24-301. Personal property brought into ~~the~~ state -- assessment -- exceptions -- custom combine equipment. (1) Except as provided in subsections (2) through (5), property in the following cases is subject to taxation and assessment for all taxes levied that year in the county in which it is located:

(a) personal property, excluding livestock, brought into this state at any time during the year that is used in the state for hire, compensation, or profit;

(b) property ~~whose~~ belonging to an owner or user who is engaged in a gainful occupation or business enterprise in the state; or

(c) property that becomes a part of the general property of the state.

(2) The taxes on this property are levied in the same manner, except as otherwise provided, as though the property had been in the county on the regular assessment date, provided that the property has not been regularly assessed for the year in some other county of the state.

(3) This section does not levy a tax against a merchant or dealer within this state on goods, wares, or merchandise brought into the county to replenish the stock of the merchant or dealer.

(4) Except as provided in 15-6-217, a motor vehicle subject to the registration fee imposed by ~~61-3-560 and 61-3-561~~ 61-3-321(2) that is brought into this state by a nonresident person temporarily employed in Montana and used exclusively for

transportation of the person is subject to registration fees as follows:

(a) The motor vehicle fee is imposed by the county in which it is located.

(b) One-fourth of the annual fee of the motor vehicle must be paid for each quarter or portion of a quarter of the year that the motor vehicle is located in Montana.

(c) The quarterly fees are due the first day of the quarter.

(5) Agricultural harvesting machinery classified under class eight, licensed in another state, and operated on the land of a person other than the owner of the machinery under a contract for hire is subject to a fee in lieu of tax of $35 for each machine for the calendar year in which the fee is collected. The machinery is subject to taxation under class eight only if the machinery is sold in Montana."

Section 14. Section 15-30-121, MCA, is amended to read:

"15-30-121. Deductions allowed in computing net income. (1) In computing net income, there are allowed as deductions:

(a) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and 211 of the Internal Revenue Code, 26 U.S.C. 161 and 211, subject to the following exceptions, which are not deductible:

(i) items provided for in 15-30-123;

(ii) state income tax paid;

(iii) premium payments for medical care as provided in subsection (1)(g)(i);

(iv) long-term care insurance premium payments as provided in subsection (1)(g)(ii); and

(v) a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable gift annuity as defined in 33-20-701;

(b) federal income tax paid within the tax year, not to exceed $5,000 for each taxpayer filing singly, head of household, or married filing separately or $10,000 if married and filing jointly;

(c) expenses of household and dependent care services as outlined in subsections (1)(c)(i) through (1)(c)(iii) and (2) and subject to the limitations and rules as set out in subsections (1)(c)(iv) through (1)(c)(vi), as follows:

(i) expenses for household and dependent care services necessary for gainful

employment incurred for:

(A) a dependent under 15 years of age for whom an exemption can be claimed;

(B) a dependent as allowable under 15-30-112(5), except that the limitations for age and gross income do not apply, who is unable to provide self-care because of physical or mental illness; and

(C) a spouse who is unable to provide self-care because of physical or mental illness;

(ii) employment-related expenses incurred for the following services, but only if the expenses are incurred to enable the taxpayer to be gainfully employed:

(A) household services that are attributable to the care of the qualifying individual; and

(B) care of an individual who qualifies under subsection (1)(c)(i);

(iii) expenses incurred in maintaining a household if over half of the cost of maintaining the household is furnished by an individual or, if the individual is married during the applicable period, is furnished by the individual and the individual's spouse;

(iv) the amounts deductible in subsections (1)(c)(i) through (1)(c)(iii), subject to the following limitations:

(A) a deduction is allowed under subsection (1)(c)(i) for employment-related expenses incurred during the year only to the extent that the expenses do not exceed $4,800;

(B) expenses for services in the household are deductible under subsection (1)(c)(i) for employment-related expenses only if they are incurred for services in the taxpayer's household, except that employment-related expenses incurred for services outside the taxpayer's household are deductible, but only if incurred for the care of a qualifying individual described in subsection (1)(c)(i)(A) and only to the extent that the expenses incurred during the year do not exceed:

(I) $2,400 in the case of one qualifying individual;

(II) $3,600 in the case of two qualifying individuals; and

(III) $4,800 in the case of three or more qualifying individuals;

(v) if the combined adjusted gross income of the taxpayers exceeds $18,000 for

the tax year during which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by one-half of the excess of the combined adjusted gross income over $18,000;

(vi) for purposes of this subsection (1)(c):

(A) married couples shall file a joint return or file separately on the same form;

(B) if the taxpayer is married during any period of the tax year, employment-related expenses incurred are deductible only if:

(I) both spouses are gainfully employed, in which case the expenses are deductible only to the extent that they are a direct result of the employment; or

(II) the spouse is a qualifying individual described in subsection (1)(c)(i)(C);

(C) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married;

(D) the deduction for employment-related expenses must be divided equally between the spouses when filing separately on the same form;

(E) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year and payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) are not deductible as employment-related expenses;

(d) in the case of an individual, political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code of 1954 (now repealed) that were in effect for the tax year that ended December 31, 1978;

(e) that portion of expenses for organic fertilizer and inorganic fertilizer produced as a byproduct allowed as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;

(f) contributions to the child abuse and neglect prevention program provided for in 52-7-101, subject to the conditions set forth in 15-30-156;

(g) the entire amount of premium payments made by the taxpayer, except premiums deducted in determining Montana adjusted gross income, or for which a credit was claimed under 15-30-128, for:

(i) insurance for medical care, as defined in 26 U.S.C. 213(d), for coverage of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer; and

(ii) long-term care insurance policies or certificates that provide coverage primarily for any qualified long-term care services, as defined in 26 U.S.C. 7702B(c), for:

(A) the benefit of the taxpayer for tax years beginning after December 31, 1994; or

(B) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer for tax years beginning after December 31, 1996;

(h) light vehicle registration fees, as provided for in ~~61-3-560 through~~ 61-3-321(2) and 61-3-562, paid during the tax year; and

(i) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) (a) Subject to the conditions of subsection (1)(c), a taxpayer who operates a family day-care home or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own child and at least one unrelated child in the ordinary course of business may deduct employment-related expenses considered to have been paid for the care of the child.

(b) The amount of employment-related expenses considered to have been paid by the taxpayer is equal to the amount that the taxpayer charges for the care of a child of the same age for the same number of hours of care. The employment-related expenses apply regardless of whether any expenses actually have been paid. Employment-related expenses may not exceed the amounts specified in subsection (1)(c)(iv)(B).

(c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the deduction under this subsection (2)."

Section 15. Section 15-50-207, MCA, is amended to read:

"15-50-207. Credit against other taxes -- credit for personal property taxes and certain fees. (1) The additional license fees withheld or otherwise paid as provided in this chapter may be used as a credit on the contractor's corporation license tax

provided for in chapter 31 of this title or on the contractor's income tax provided for in chapter 30, depending upon the type of tax the contractor is required to pay under the laws of the state.

(2) Personal property taxes and the fee in lieu of tax on buses, trucks having a manufacturer's rated capacity of more than 1 ton, or truck tractors, as provided in 61-3-529, and the registration fee on light vehicles, as provided in ~~61-3-560 through~~ 61-3-321(2) and 61-3-562, paid in Montana on any personal property or vehicle of the contractor that is used in the business of the contractor and is located within this state may be credited against the license fees required under this chapter. However, in computing the tax credit allowed by this section against the contractor's corporation license tax or income tax, the tax credit against the license fees required under this chapter may not be considered as license fees paid for the purpose of the income tax or corporation license tax credit."

Section 16. Section 15-68-101, MCA, is amended to read:

"15-68-101. Definitions. For purposes of this chapter, unless the context requires otherwise, the following definitions apply:

(1) (a) "Accommodations" means a building or structure containing individual sleeping rooms or suites that provides overnight lodging facilities for periods of less than 30 days to the general public for compensation.

(b) Accommodations includes a facility represented to the public as a hotel, motel, campground, resort, dormitory, condominium inn, dude ranch, guest ranch, hostel, public lodginghouse, or bed and breakfast facility.

(c) The term does not include a health care facility, as defined in 50-5-101, any facility owned by a corporation organized under Title 35, chapter 2 or 3, that is used primarily by persons under 18 years of age for camping purposes, any hotel, motel, hostel, public lodginghouse, or bed and breakfast facility whose average daily accommodation charge for single occupancy does not exceed 60% of the amount authorized under 2-18-501 for the actual cost of lodging for travel within the state of Montana, or any other facility that is rented solely on a monthly basis or for a period of 30 days or more.

(2) (a) "Admission" means payment made for the privilege of being admitted to a facility, place, or event.

(b) The term does not include payment for admittance to a movie theater or to a sporting event sanctioned by a school district, college, or university.

(3) (a) "Base rental charge" means the following:

(i) charges for time of use of the rental vehicle and mileage, if applicable;

(ii) charges accepted by the renter for personal accident insurance;

(iii) charges for additional drivers or underage drivers; and

(iv) charges for child safety restraints, luggage racks, ski racks, or other accessory equipment for the rental vehicle.

(b) The term does not include:

(i) rental vehicle price discounts allowed and taken;

(ii) rental charges or other charges or fees imposed on the rental vehicle owner or operator for the privilege of operating as a concessionaire at an airport terminal building;

(iii) motor fuel;

(iv) intercity rental vehicle drop charges; or

(v) taxes imposed by the federal government or by state or local governments.

(4) (a) "Campground" means a place used for public camping where persons may camp, secure tents, or park individual recreational vehicles for camping and sleeping purposes.

(b) The term does not include that portion of a trailer court, trailer park, or mobile home park intended for occupancy by trailers or mobile homes for resident dwelling purposes for periods of 30 consecutive days or more.

(5) "Engaging in business" means carrying on or causing to be carried on any activity with the purpose of receiving direct or indirect benefit.

(6) (a) "Lease", "leasing", or "rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(b) Lease or rental includes agreements covering motor vehicles and trailers when the amount of consideration may be increased or decreased by reference to the

amount realized upon sale or disposition of the property, as defined in 26 U.S.C. 7701(h)(1).

(c) The term does not include:

(i) a transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(ii) a transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of $100 or 1% of the total required payments; or

(iii) providing tangible personal property with an operator if an operator is necessary for the equipment to perform as designed and not just to maintain, inspect, or set up the tangible personal property.

(d) This definition must be used for sales tax and use tax purposes regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, the Montana Uniform Commercial Code, or other provisions of federal, state, or local law.

(e) This definition must be applied only prospectively from the date of adoption and has no retroactive impact on existing leases or rentals.

(7) (a) "Motor vehicle" means a light vehicle as defined in ~~61-1-139~~ 61-1-101, a motorcycle as defined in ~~61-1-105~~ 61-1-101, a motor-driven cycle as defined in ~~61-1-106~~ 61-1-101, a quadricycle as defined in ~~61-1-133~~ 61-1-101, a motorboat or a sailboat as defined in 23-2-502, or an off-highway vehicle as defined in 23-2-801 that:

(i) is rented for a period of not more than 30 days;

(ii) is rented without a driver, pilot, or operator; and

(iii) is designed to transport 15 or fewer passengers.

(b) Motor vehicle includes:

(i) a rental vehicle rented pursuant to a contract for insurance; and

(ii) a truck, trailer, or semitrailer that has a gross vehicle weight of less than 22,000 pounds, that is rented without a driver, and that is used in the transportation of personal property.

(c) The term does not include farm vehicles, machinery, or equipment.

(8) "Permit" or "seller's permit" means a seller's permit as described in 15-68-401.

(9) "Person" means an individual, estate, trust, fiduciary, corporation, partnership, limited liability company, limited liability partnership, or any other legal entity.

(10) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(11) "Rental vehicle" means a motor vehicle that is used for or by a person other than the owner of the motor vehicle through an arrangement and for consideration.

(12) "Retail sale" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent.

(13) "Sale" or "selling" means the transfer of property for consideration or the performance of a service for consideration.

(14) (a) "Sales price" applies to the measure subject to sales tax and means the total amount or consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented or valued in money, whether received in money or otherwise, without any deduction for the following:

(i) the seller's cost of the property sold;

(ii) the cost of materials used, labor or service costs, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(iii) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(iv) delivery charges;

(v) installation charges;

(vi) the value of exempt personal property given to the purchaser when taxable and exempt personal property have been bundled together and sold by the seller as a single product or piece of merchandise; and

(vii) credit for any trade-in.

(b) The amount received for charges listed in subsections (14)(a)(iii) through

(14)(a)(vii) are excluded from the sales price if they are separately stated on the invoice, billing, or similar document given to the purchaser.

(c) The term does not include:

(i) discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(ii) interest, financing, and carrying charges from credit extended on the sale of personal property or services if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; or

(iii) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser.

(d) In an exchange in which the money or other consideration received does not represent the value of the property or service exchanged, sales price means the reasonable value of the property or service exchanged.

(e) When the sale of property or services is made under any type of charge or conditional or time-sales contract or the leasing of property is made under a leasing contract, the seller or lessor shall treat the sales price, excluding any type of time-price differential, under the contract as the sales price at the time of the sale.

(15) "Sales tax" and "use tax" mean the applicable tax imposed by 15-68-102.

(16) "Seller" means a person that makes sales, leases, or rentals of personal property or services.

(17) (a) "Service" means an activity that is engaged in for another person for consideration and that is distinguished from the sale or lease of property. Service includes activities performed by a person for its members or shareholders.

(b) In determining what a service is, the intended use, principal objective, or ultimate objective of the contracting parties is irrelevant.

(18) "Use" or "using" includes use, consumption, or storage, other than storage for resale or for use solely outside this state, in the ordinary course of business."

Section 17. Section 20-9-331, MCA, is amended to read:

"20-9-331. Basic county tax for elementary equalization and other revenue for county equalization of elementary BASE funding program. (1) Subject to 15-10-420, the

county commissioners of each county shall levy an annual basic county tax of 33 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under ~~23-2-517, 23-2-803,~~ 61-3-321(2) or (3), ~~61-3-521, 61-3-527,~~ 61-3-529, 61-3-537, ~~61-3-560 through~~ 61-3-562, 61-3-570, and 67-3-204, for the purposes of elementary equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the elementary BASE funding programs of the school districts in the county and to the state general fund in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the BASE funding programs of all elementary districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed by this section and the revenue from the following sources must be used for the equalization of the elementary BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) the portion of the federal Taylor Grazing Act funds designated for the elementary county equalization fund under the provisions of 17-3-222;

(b) the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

(c) all money paid into the county treasury as a result of fines for violations of law, except money paid to a justice's court, and the use of which is not otherwise specified by law;

(d) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established or referred to in this section;

(e) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(f) gross proceeds taxes from coal under 15-23-703; and

(g) oil and natural gas production taxes."

Section 18. Section 20-9-333, MCA, is amended to read:

"20-9-333. Basic county tax for high school equalization and other revenue for county equalization of high school BASE funding program. (1) Subject to 15-10-420, the county commissioners of each county shall levy an annual basic county tax of 22 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under ~~23-2-517, 23-2-803,~~ 61-3-321(2) or (3), ~~61-3-521, 61-3-527,~~ 61-3-529, 61-3-537, ~~61-3-560 through~~ 61-3-562, 61-3-570, and 67-3-204, for the purposes of high school equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the BASE funding programs of high school districts in the county and to the state general fund in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the sum of the county's high school tuition obligation and the total of the BASE funding programs of all high school districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed in

this section and the revenue from the following sources must be used for the equalization of the high school BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established in this section;

(b) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(c) gross proceeds taxes from coal under 15-23-703; and

(d) oil and natural gas production taxes."

Section 19. Section 20-9-360, MCA, is amended to read:

"20-9-360. State equalization aid levy. Subject to 15-10-420, there is a levy of 40 mills imposed by the county commissioners of each county on all taxable property within the state, except property for which a tax or fee is required under ~~23-2-517, 23-2-803,~~ 61-3-321(2) or (3), ~~61-3-521,~~ 61-3-527, 61-3-529, 61-3-537, ~~61-3-560 through~~ 61-3-562, 61-3-570, and 67-3-204. Proceeds of the levy must be remitted to the department of revenue, as provided in 15-1-504, and must be deposited to the credit of the state general fund for state equalization aid to the public schools of Montana."

Section 20. Section 20-25-1002, MCA, is amended to read:

"20-25-1002. State motorcycle safety account -- proceeds earmarked for account. (1) There is a state motorcycle safety account in the treasury of the state of Montana.

(2) Money collected and accrued from motorcycle safety training courses, ~~motorcycle endorsement fees, motorcycle safety fees~~ funds transferred pursuant to 15-1-122, and designated grants or an amount equal to that amount must be deposited in the state motorcycle safety account and must be available to support only approved motorcycle safety training courses, appropriate instructor of motorcycle safety training, and other related motorcycle safety training activities."

Section 21. Section 23-1-128, MCA, is amended to read:

"23-1-128. Protection of riparian vegetation -- limit on motorized camping, operation of off-highway vehicles. In order to protect riparian vegetation, provide for stable streambanks, reduce erosion, and provide for nutrient barriers to protect the quality of rivers and streams:

(1) camping in a motor vehicle, as defined in ~~61-1-102~~ 61-1-101, is discouraged within 25 feet of a river or stream in state parks and fishing access sites; and

(2) the off-road operation of an off-highway vehicle, as defined in 23-2-801, within state parks and fishing access sites is prohibited except for administrative purposes."

Section 22. Section 23-2-512, MCA, is amended to read:

"23-2-512. Identifying number. (1) The owner of each motorboat, sailboat, or personal watercraft requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, or personal watercraft is owned, on forms prepared and furnished by the department of justice. The application must be signed by the owner of the motorboat, sailboat, or personal watercraft and be accompanied by ~~a~~ the fee ~~of $3.50 in calendar year 2004 and, in each subsequent year, $15.50~~ prescribed in 61-3-321(10). Any alteration, change, or false statement contained in the application renders the certificate of number void. Upon receipt of the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the department of justice, stating the number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the owner.

~~(2) The applicant, upon the filing of the application, shall pay to the county treasurer the fee in lieu of tax required under 23-2-517 for a motorboat 10 feet in length or longer, a sailboat 12 feet in length or longer, or a personal watercraft before the application for certification or, if applicable, recertification may be accepted by the county treasurer.~~

~~(3)~~(2) If the ownership of a motorboat, sailboat, or personal watercraft

changes, a new application form with the certification fee must be filed within a reasonable time with the county treasurer and a new certificate of number assigned in the same manner as provided for in an original assignment of number.

~~(4)~~(3) If an agency of the United States government has in force a comprehensive system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this part by the department of justice must be in conformity.

~~(5)~~(4) A certificate of number and a registration decal issued under this part are effective unless terminated or discontinued in accordance with the provisions of this part.

~~(6)~~(5) If ownership is transferred, the purchaser shall notify the county treasurer within a reasonable time of the acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat, or personal watercraft does not terminate the certificate of number.

~~(7)~~(6) A holder of a certificate of number shall notify the county treasurer within a reasonable time if the holder's address no longer conforms to the address appearing on the certificate and shall furnish the county treasurer with the new address. The department of justice may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

~~(8)~~(7) (a) The number assigned must be painted on or attached to each outboard side of the forward half of the motorboat, sailboat, or personal watercraft or, if there are no sides, at a corresponding location on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The number assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as to be clearly visible and legible. The number may

not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. Numerals, letters, or devices other than those used in connection with the identifying number issued may not be placed in the proximity of the identifying number. Numerals, letters, or devices that might interfere with the ready identification of the motorboat, sailboat, or personal watercraft by its identifying number may not be carried in a manner that interferes with the motorboat's, sailboat's, or personal watercraft's identification. A number other than the number assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may not be painted, attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal watercraft. A registration decal issued under this part must be placed next to the identifying number located on the left side of a motorboat, sailboat, or personal watercraft or, if there are no sides, at the corresponding location on the left outboard side of the foredeck of the motorboat, sailboat, or personal watercraft.

(b) The certificate of number must be pocket size and available to federal, state, or local law enforcement officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the motorboat, sailboat, or personal watercraft is on waters of this state.

(c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat, or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal watercraft in place of the certificate of number.

~~(9) Fees, other than the fee in lieu of tax, collected under this section must be transmitted to the department of revenue, as provided in 15-1-504, for deposit in the state general fund.~~

~~(10)~~(8) An owner of a motorboat, sailboat, or personal watercraft shall within a reasonable time notify the department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the owner's name if the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, or abandoned or within 60 days after a change of the state of principal use or if a motorboat becomes documented as a vessel of the United States."

Section 23. Section 23-2-513, MCA, is amended to read:

"23-2-513. Dealer's or manufacturer's identifying number -- premises -- inspection -- bond -- judgment -- temporary registration permit. (1) A dealer or manufacturer may apply directly to the department of justice for one identifying number and one or more certificates of number. A dealer's or manufacturer's identifying number must be displayed on a dealer's or manufacturer's boat while the boat is operating for a purpose related to the buying, selling, or exchanging of the boat by the dealer or manufacturer.

(2) The application for a dealer's or manufacturer's identifying number must include the dealer's or manufacturer's name and business address. Each dealer or manufacturer must have one identifying number assigned to the dealer's or manufacturer's business.

(3) An application for a dealer's or manufacturer's identifying number and a certificate of number must be accompanied by the following fees:

(a) for the identifying number, first certificate of number, and registration decal, $5;

(b) for each additional certificate of number and registration decal applied for in any application, $2.

(4) The department of justice shall issue certificates of number for the identifying number assigned to a dealer or manufacturer in the same manner as provided in 23-2-512(1) and ~~(8)~~ (7), except that a boat may not be described in a certificate and each certificate must state that the identifying number has been assigned to a dealer or manufacturer. A dealer's or manufacturer's certificate of number expires on December 31 of the year for which it is issued.

(5) A dealer's or manufacturer's identifying number must be displayed in the same manner as provided in ~~23-2-512(8)~~ 23-2-512(7), except that the number may be temporarily attached. The last three letters must be "DLR" for dealer and "MFR" for manufacturer. These letters must be included, respectively, in dealer or manufacturer identification numbers.

(6) A person other than a dealer or manufacturer or an employee of a dealer

or manufacturer may not display or use a dealer's or manufacturer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats owned by the dealer or manufacturer.

(7) A dealer or manufacturer or an employee of a dealer or manufacturer may not use a dealer's or manufacturer's identifying number for any purpose other than the purpose described in subsection (1).

(8) A dealer shall maintain a principal place of business, coinciding with the business address listed on the application, where all business records are maintained and where the dealer displays, sells, and services merchandise. The dealer shall display a sign at the place of business that clearly states the name of the business. The premises of the dealer's principal place of business must be inspected by an official of the department of justice to ensure compliance with this section.

(9) To qualify for renewal of a boat dealer's license, the dealer shall certify to the department of justice, upon application for renewal, that the dealer sold five or more boats during the previous license year. If five or more boats were not sold, an additional fee of $50 is required for renewal of the dealer's license.

(10) (a) The applicant for a boat dealer's license shall file with the application a bond of $5,000. The bond must be conditioned that the applicant will conduct the business in accordance with the requirements of the law. All bonds must run to the state of Montana, must be approved by the department of justice and filed in its office, and must be renewed annually.

(b) A person who suffers loss or damage because of the unlawful conduct of a dealer licensed under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. The judgment must determine a specific loss or damage amount and conclude that the licensee's unlawful operation caused the loss or damage before payment on the bond is required.

(11) Prior to the delivery of a motorboat or a sailboat 12 feet in length or longer to a purchaser, the dealer shall issue and affix to a motorboat or a sailboat constructed after October 31, 1972, a temporary registration permit, as defined in ~~61-1-603~~ 61-1-101. The temporary registration permit expires 30 days after the date of issuance. The dealer shall keep a copy of the temporary registration permit for

the dealer's records and shall send a copy of the temporary registration permit to the department of justice."

Section 24. Section 23-2-515, MCA, is amended to read:

"23-2-515. Registration decal to be displayed. (1) A Montana motorboat, sailboat, or personal watercraft numbered in accordance with the provisions of 23-2-512 or 23-2-513 must display a registration decal. For this purpose, the county treasurer, upon proof of payment of the registration fee ~~in lieu of tax~~ as required by ~~15-16-202 for motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, or personal watercraft~~ 61-3-321(10), shall issue a registration decal prepared and furnished by the department of justice with all new certificates of number and, if applicable, all renewals of the certificates of number.

(2) (a) The registration decal must be of a style and design prescribed by the department of justice.

(b) The registration decal must be serially numbered.

(c) The registration decals issued for a motorboat or sailboat do not expire while the motorboat or sailboat remains in the same ownership.

(3) A registration decal must be displayed on the left side of the forward half, 3 inches aft of the identifying numbers."

Section 25. Section 23-2-519, MCA, is amended to read:

"23-2-519. (Temporary) Penalty -- disposition. (1) Failure to pay the registration fee ~~in lieu of tax~~ as provided for in ~~23-2-517~~ 61-3-321(10) is a misdemeanor, punishable by a fine equal to four times the registration fee ~~in lieu of tax~~ that is due on the motorboat, sailboat, personal watercraft, or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by

the department in the enforcement of this part. (Terminates June 30, 2006--sec. 4, Ch. 95, L. 2001.)

23-2-519. (Effective July 1, 2006) Penalty -- disposition. (1) Failure to pay the registration fee ~~in lieu of tax~~ as provided for in ~~23-2-517~~ 61-3-321(10) is a misdemeanor, punishable by a fine equal to five times the registration fee ~~in lieu of tax~~ that is due on the motorboat, sailboat, personal watercraft, or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by the department in the enforcement of this part."

Section 26. Section 23-2-601, MCA, is amended to read:

"23-2-601. Definition of terms. As used in 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644, unless the context requires otherwise, the following definitions apply:

(1) "Certificate of title" means the document issued by the department of justice as prima facie evidence of ownership.

(2) "Certificate of registration" means the owner's receipt evidencing payment of fees due in order for the snowmobile to be validly registered.

(3) "dbA" means sound pressure level measured on the "A" weight scale in decibels.

(4) "Department" means the department of fish, wildlife, and parks of the state of Montana.

(5) "New snowmobile" means a snowmobile that has not been previously sold to an owner.

(6) "Operator" includes each person who operates or is in actual physical control of the operation of a snowmobile.

(7) "Owner" includes each person, other than a lienholder or person having a security interest in a snowmobile, that holds a certificate of title to a snowmobile and is entitled to the use or possession of the snowmobile.

(8) "Person" means an individual, partnership, association, corporation, and any other body or group of persons, regardless of the degree of formal organization.

(9) "Registration decal" means an adhesive sticker produced and issued by the department of justice, its authorized agent, or a county treasurer to the owner of a snowmobile as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department of justice under 61-3-101.

(10) "Roadway" means only those portions of a highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

(11) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, designed primarily for travel on snow or ice, that may be steered by skis or runners and that is not otherwise registered or licensed under the laws of the state of Montana."

Section 27. Section 23-2-614, MCA, is amended to read:

"23-2-614. Exemptions. (1) (a) The provisions of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644, with respect to registration, registration decals, and certification of ownership, do not apply to snowmobiles owned or used by the United States or another state or any agency or political subdivision of the United States or another state.

(b) Snowmobiles owned by the state of Montana or any agency or political subdivision of this state are exempt only from the payment of fees and must otherwise comply with all the requirements of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644.

(2) The provisions of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 with respect to registration, registration decals, and certification of ownership do

not apply to unregistered snowmobiles owned by nonresidents of Montana who either:

(a) display visual proof that a nonresident temporary-use permit has been purchased; or

(b) use the snowmobile only in races and for not more than 30 days in the state. "Race" means an organized competition on a predetermined course that is run according to accepted rules."

Section 28. Section 23-2-616, MCA, is amended to read:

"23-2-616. Registration and registration decal -- application and issuance -- use of certain fees. (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person unless it has been registered and a registration decal is displayed in a conspicuous place on the left side of the cowl.

(2) (a) A Montana resident who owns a snowmobile operated on public land shall register the snowmobile at the county treasurer's office in the county where the owner resides.

(b) A county treasurer shall register a snowmobile if:

(i) as of the date that the snowmobile is to be registered, the owner delivers or has delivered an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer has confirmed that the department of justice has an electronic record of title for the snowmobile as provided in 61-3-101.

(c) To register a snowmobile, the county treasurer shall update the electronic record of title maintained by the department of justice, by entering the fees paid and recording any changes to the record.

(3) The owner registering a snowmobile shall pay ~~a~~ the registration fee ~~of $6.50 in calendar year 2004 and, in each subsequent year, $20.50~~ prescribed in 61-3-321(11) and, if the snowmobile has previously been registered, show the county treasurer the registration receipt for the most recent year in which the snowmobile was registered. Upon payment of the proper ~~fees, including the~~ fee ~~in lieu of tax~~, the treasurer shall issue a registration receipt that contains information considered necessary by the

department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the application to the department of justice and shall issue to the applicant a registration decal in the style and design prescribed by the department of justice.

(5) The county treasurer may not register a snowmobile under this section unless the applicant has paid the registration fee ~~and the fee in lieu of property tax on the snowmobile as required by 15-16-202~~.

(6) All money collected from payment of registration fees and all interest accruing from use of this money must be forwarded to the ~~department of revenue~~ state, as provided in 15-1-504, for deposit in the state general fund.

~~(7) The county treasurer shall credit all fees in lieu of tax collected on snowmobiles to the state general fund.~~

~~(8) The fee imposed in subsection (3) is a one-time fee except on change of ownership. When ownership of the snowmobile changes, the new owner shall pay the fee in subsection (3).~~"

Section 29. Section 23-2-619, MCA, is amended to read:

"**23-2-619. Dealer registration certificate -- use of fees -- temporary registration permit.** (1) (a) Unless the dealer is licensed under the provisions of 61-4-101, a dealer registration certificate must be issued in accordance with 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644.

(b) To qualify as a dealer, the applicant, when registering or renewing a registration, shall:

(i) complete an application:

(A) stating the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock is displayed;

(B) stating the name, address, date of birth, and social security number of

all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary are sufficient;

(C) identifying other dealerships owned by the applicant, identifying all persons in Montana or in another state having an interest in another dealership owned by the applicant, and disclosing whether the applicant or any other person with interest in a dealership owned by the applicant has been convicted of a felony; and

(D) stating the name and make of all snowmobiles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written franchise or sales agreement;

(ii) provide an affidavit certifying that the applicant has acquired and shall maintain liability insurance for any snowmobile offered for demonstration or loan to a customer;

(iii) execute a certificate to the effect that the applicant has a permanent building for the display and sale of snowmobiles at the location of the premises where sales are conducted;

(iv) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of snowmobiles; and

(v) execute a certificate to the effect that the applicant is a bona fide dealer in snowmobiles and that the dealer is recognized by a manufacturer, importer, or distributor as a dealer in snowmobiles.

(2) The dealer application must be accompanied by an application fee of $5 and a registration fee of $5. Upon receipt of the dealer application and payment of fees, the dealer must be issued two dealer snowmobile identification cards that must be carried by the dealer or the dealer's customer when demonstrating the dealer's snowmobiles.

(3) (a) A dealer shall file a bond in the amount of $5,000.

(b) The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(c) A person who suffers loss or damage because of the unlawful conduct of a dealer registered under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. Before payment on the bond is required,

the judgment must determine a specific loss or damage amount and conclude that the dealer's unlawful operation caused the loss or damage.

(4) The dealer shall have a principal place of business where the dealer maintains all business records and where the dealer displays and sells merchandise.

(5) An applicant for renewal of a snowmobile dealer registration shall certify that the applicant has sold five or more snowmobiles during the preceding year or pay an additional $50 renewal registration fee or provide a copy of a written new snowmobile franchise or sales agreement that the applicant has with a manufacturer, importer, or distributor.

(6) Additional dealer snowmobile identification cards as required by need justified to the department of justice may be purchased by the dealer for a fee of $2.

(7) Dealer registration certificates and identification cards expire on June 30 following the date of issuance.

(8) Prior to the delivery of a snowmobile to the purchaser, the dealer shall issue and affix to the snowmobile a temporary registration permit. The temporary registration permit expires 20 days after the date of issuance. The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.

(9) (a) The dealer application fees and all interest accruing from use of this money must be deposited in the state special revenue fund to the credit of the department, with one-half designated for use in enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and one-half designated for use in the development, maintenance, and operation of snowmobile facilities.

(b) All money collected from dealer registration and renewal registration fees must be deposited in the general fund."

Section 30. Section 23-2-631, MCA, is amended to read:

"23-2-631. Operation on public roads, streets, and highways. (1) A person may not operate a snowmobile upon a controlled-access highway or facility at any time.

Snowmobile operation is permitted on the roadway or shoulder of any public road or highway, state highway, county road, or city street located within the boundaries of any municipality only in the event that:

(a) the street, road, or highway is drifted or covered by snow to the extent that travel on the street, road, or highway by other motor vehicles is impractical or impossible;

(b) the operator has received permission or is otherwise authorized for that travel by the municipality in the case of town or city streets, the board of county commissioners for county roads, or the state highway patrol for all other highways; or

(c) operation has been authorized on municipal streets by a municipal ordinance.

(2) A snowmobile may make a direct crossing of a street or highway whenever the crossing is necessary to get to another authorized area of operation. The crossing must be made at an angle of approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The snowmobile must make a complete stop before entering upon any part of the traffic way, and the operator shall yield the right-of-way to all oncoming traffic.

(3) A snowmobile may not be operated upon a public street or highway when permitted to do so by 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 unless equipped with at least one headlamp and one taillamp, which must be lighted at all times during operation, and unless equipped with a suitable braking device operable by either hand or foot.

(4) (a) Unless operation is otherwise allowed under subsection (4)(b) or (4)(c), the operator of a snowmobile who operates the snowmobile upon a public roadway, street, or highway when allowed to do so under the provisions of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 must have in possession a license to drive a motor vehicle as required by the laws of the state of Montana.

(b) The operator of a snowmobile may operate the snowmobile upon a public roadway, street, or highway when allowed to do so under the provisions of 23-2-601,

23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 if the operator:

(i) has in possession a certificate showing the successful completion of a Montana-approved snowmobile safety education course; and

(ii) is in the physical presence and under the supervision of a person who is 18 years of age or older.

(c) An operator who crosses a street, road, or highway, who operates a snowmobile upon a street, road, or highway that is drifted or covered with snow to the extent that travel on the street, road, or highway by other motor vehicles is impractical or impossible, or who operates a snowmobile in any other areas of the state where operation is lawfully permitted is not required to apply for or possess a driver's license under the laws of the state of Montana."

Section 31. Section 23-2-634, MCA, is amended to read:

"23-2-634. Regulation of snowmobile noise. (1) Except as provided in this section, each snowmobile must be equipped at all times with noise-suppression devices, including an exhaust muffler in good working order and in constant operation. A snowmobile may not be modified by any person in any manner that will amplify or otherwise increase total noise emissions to a level greater than that emitted by the snowmobile as originally constructed, regardless of date of manufacture.

(2) Each person who owns or operates a snowmobile manufactured after June 30, 1972, but prior to June 30, 1975, shall maintain the machine in such a manner that it will not exceed a sound level limitation of 82 dbA measured at 50 feet.

(3) A snowmobile manufactured after June 30, 1975, except snowmobiles designated for competition purposes only, may not be sold or offered for sale unless that machine has been certified by the manufacturer as being able to conform to a sound level limitation of not more than 78 dbA measured at 50 feet. Each person who owns or operates a snowmobile manufactured after June 30, 1975, shall maintain the machine in a manner so that it will not exceed a sound level limitation of 78 dbA measured at 50 feet.

(4) A manufacturer who certifies that a new snowmobile can comply with the noise limitation requirements of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619,

23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 shall affix a permanent notice of that certification to every snowmobile offered for sale in the state of Montana.

(5) In certifying that a new snowmobile can comply with the noise limitation requirements of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644, a manufacturer shall make the certification based upon measurements made in accordance with SAE recommended practice J192, as amended. The department, in enforcing the provisions of this section, shall make measurements of snowmobile noise in accordance with applicable practices outlined in the "Procedure for Sound Level Measurements of Snowmobiles" (January, 1969), as amended, used by the international snowmobile industry association or with other standards for measurement of sound level that the department may adopt.

(6) This section does not apply to organized races or similar competitive events held on:

(a) private lands or waters, with the permission of the owner, lessee, or custodian of the land or waters; or

(b) public lands or waters, with the consent of the public agency having the authority to grant consent."

Section 32. Section 23-2-641, MCA, is amended to read:

"23-2-641. Enforcement. (1) With respect to the sale of any new snowmobile that is subject to the provisions of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644, the attorney general shall, upon the request of the department, sue for the recovery of the penalties provided in 23-2-642 and bring an action for a restraining order or temporary or permanent injunction against a person who sells or offers to sell a new snowmobile that does not satisfy the sound level limitations imposed by 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644.

(2) (a) The department is a criminal justice agency for the purpose of obtaining

the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301. Authorized officers of the department are granted peace officer status with the power:

(i) of search, seizure, and arrest;

(ii) to investigate activities in this state regulated by this part and rules of the department and the fish, wildlife, and parks commission; and

(iii) to report violations to the county attorney of the county in which they occur.

(b) Sheriffs and their deputies of the various counties of the state, the Montana highway patrol, authorized officers of the department, and the police of each municipality shall enforce the provisions of this part."

Section 33. Section 23-2-642, MCA, is amended to read:

"23-2-642. Penalties. (1) The failure to display a current registration decal on a snowmobile is a misdemeanor, punishable by a fine in an amount equal to five times the applicable registration fee ~~in lieu of tax~~ payable under ~~23-2-626~~ 61-3-321.

(2) A person who violates any other provision of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 or a rule adopted pursuant to those sections shall pay a civil penalty of not less than $15 or more than $500 for each separate violation. If the violation is willful, the person shall pay a civil penalty of not less than $50 or more than $1,000 for each separate violation.

(3) A manufacturer who certifies that a new snowmobile meets the sound level limitations imposed by 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 is subject to the penalty provisions of subsection (2) if the machine so certified does not meet the appropriate sound level limitation. For the purposes of this section, each sale of a new snowmobile that does not meet the sound level limitations imposed by 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 constitutes a separate violation."

Section 34. Section 23-2-644, MCA, is amended to read:

"23-2-644. Deposit of funds from fines and forfeitures. All fines and forfeitures collected under 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 relating to snowmobiles, except those collected by a justice's court, must be transmitted to the ~~department of revenue~~ state, as provided in 15-1-504, for deposit in the state general fund."

Section 35. Section 23-2-804, MCA, is amended to read:

"23-2-804. Decal required. (1) Except as provided in 23-2-802, an off-highway vehicle may not be operated by a person for off-road recreation on public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer, as visual proof that the following fees have been paid:

(a) ~~(i) the fee in lieu of tax provided for in 23-2-803; and~~

~~(ii)~~ the registration fee provided for in 61-3-321(5); or

(b) when the vehicle will be used as provided in this section, the registration and taxation fees for motorcycles and quadricycles subject to licensure under 61-3-321(8), as evidenced by presentation of an owner's certificate of registration and payment receipt. The county treasurer may confirm the registration status of a motorcycle or quadricycle by examining the current registration receipt for the vehicle or checking the electronic record of title for the vehicle.

(2) The decal must be serially numbered."

Section 36. Section 23-2-809, MCA, is amended to read:

"23-2-809. Duplicate decal. If a decal required in 23-2-804 indicating that the off-highway vehicle fee has been paid is lost, mutilated, or becomes illegible, the person to whom it was issued shall immediately apply for and obtain a duplicate decal upon payment of a fee of $5 to the county treasurer, who shall ~~distribute~~ forward the fee ~~as provided in 23-2-803~~ to the state, as provided in 15-1-504, for deposit

in the state general fund."

Section 37. Section 23-2-818, MCA, is amended to read:

"23-2-818. Dealer registration certificate -- temporary registration permit. (1) (a) Unless the dealer is licensed under the provisions of 61-4-101, a dealer may not sell off-highway vehicles unless the dealer has first obtained a dealer registration certificate from the department of justice under the provisions of this section.

(b) To qualify as a dealer the applicant, when registering or renewing a registration, shall:

(i) complete an application:

(A) stating the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock is displayed;

(B) stating the name, address, date of birth, and social security number of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary are sufficient;

(C) identifying other dealerships owned by the applicant, identifying all persons in Montana or in another state having an interest in another dealership owned by the applicant, and disclosing whether the applicant or any other person with interest in a dealership owned by the applicant has been convicted of a felony; and

(D) stating the name and make of all off-highway vehicles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written franchise or sales agreement;

(ii) provide an affidavit certifying that the applicant has acquired and shall maintain liability insurance for any off-highway vehicle offered for demonstration or loan to a customer;

(iii) execute a certificate to the effect that the applicant has a permanent building for the display and sale of off-highway vehicles at the location of the premises where sales are conducted;

(iv) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of off-highway vehicles; and

(v) execute a certificate to the effect that the applicant is a bona fide dealer in off-highway vehicles and that the dealer is recognized by a manufacturer, importer, or distributor as a dealer in off-highway vehicles.

(2) The dealer application for registration or renewal of registration must be accompanied by an application or renewal fee of $5 and a registration fee of $5. To qualify for the fees in this subsection, the applicant for renewal shall certify that the applicant has sold three or more off-highway vehicles during the preceding year. Upon receipt of the dealer application or renewal and payment of fees, the dealer must be issued two dealer off-highway identification cards to be carried by the dealer or the dealer's customer when demonstrating the dealer's off-highway vehicles. Additional dealer off-highway vehicle identification cards may be purchased by the dealer from the department of justice for a fee of $2 each.

(3) (a) A dealer shall file a bond in the amount of $5,000.

(b) The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(c) A person who suffers loss or damage because of the unlawful conduct of a dealer registered under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. Before payment on the bond is required, the judgment must determine a specific loss or damage amount and conclude that the dealer's unlawful operation caused the loss or damage.

(4) The dealer shall have a principal place of business where the dealer maintains all business records and where the dealer displays and sells merchandise.

(5) An applicant for renewal of an off-highway vehicle dealer registration who does not qualify under subsection (2) shall:

(a) pay an additional $50 renewal registration fee; and

(b) provide a copy of a new off-highway vehicle franchise or sales agreement that the applicant has with a manufacturer, importer, or distributor.

(6) Dealer registration certificates and identification cards expire on December 31 following the date of issuance.

(7) Prior to delivery of an off-highway vehicle to a purchaser, the dealer shall

issue and affix to the off-highway vehicle a temporary registration permit, as defined in ~~61-1-603~~ 61-1-101. The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.

(8) (a) The dealer application fees and all interest accruing from use of this money must be deposited in the general fund to be used by the department of justice for the administration of this part.

(b) All dealer registration fees and renewal fees collected must be deposited in the state general fund."

Section 38. Section 30-11-701, MCA, is amended to read:

"30-11-701. Definitions. As used in this part, the following definitions apply:

(1) "Current net price" means:

(a) with respect to a dealership contract, the price listed in the wholesaler's, manufacturer's, or distributor's price list or catalog in effect at the time a dealership contract is discontinued or, if none is then in effect, the last available price so listed; and

(b) with respect to a distribution contract, the price listed in the manufacturer's or distributor's price list or catalog in effect at the time a distribution contract is discontinued or, if none is then in effect, the last available price so listed.

(2) "Dealership contract" means a written contract between a retailer and a wholesaler, manufacturer, or distributor in which the retailer becomes a dealer in goods sold by the wholesaler, manufacturer, or distributor, evidenced by a franchise agreement, sales agreement, security agreement, or other similar agreement or arrangement.

(3) "Distribution contract" means a written contract between a wholesaler and a manufacturer or distributor in which the wholesaler becomes a dealer in goods sold by the manufacturer or distributor, evidenced by a franchise agreement, sales agreement, security agreement, or other similar agreement or arrangement.

(4) "Inventory" means:

(a) farm implements, machinery, attachments, and repair parts;

(b) industrial and construction equipment and repair parts;

(c) automobiles, trucks, and repair parts sold by an automobile or truck dealer as defined in ~~61-1-314~~ 61-1-101;

(d) motorcycles, motor-driven cycles, recreational vehicles, and quadricycles, as those terms are defined in ~~Title 61, chapter 1, part 1~~ 61-1-101, and repair parts;

(e) snowmobiles, as defined in 23-2-601, and repair parts;

(f) off-highway vehicles, as defined in 23-2-801, and repair parts; and

(g) vessels, as defined in 23-2-502, detachable motors or engines used to propel vessels, and repair parts.

(5) "Net cost" means:

(a) with respect to a dealership contract, the price actually paid for an inventory item by the retailer to the wholesaler, manufacturer, or distributor, plus applicable freight costs paid by or charged to the retailer; and

(b) with respect to a distribution contract, the price actually paid for an inventory item by the wholesaler to a manufacturer or distributor, plus applicable freight costs paid by or charged to the wholesaler.

(6) "Retailer" or "retail dealer" means any individual, partnership, association, or corporation engaged in the business of selling inventory, as defined in this section, to the general public.

(7) "Wholesaler" means any individual, partnership, association, or corporation engaged in the business of selling inventory, as defined in this section, to retailers."

Section 39. Section 33-23-204, MCA, is amended to read:

"33-23-204. Definitions. As used in this part, the following definitions apply:

(1) (a) "Motor vehicle" means a vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of the state.

(b) The term does not include a bicycle as defined in ~~61-1-123~~ 61-8-102.

(2) "Motor vehicle liability policy" means a policy of automobile or motor vehicle insurance against liability required under Title 61, chapter 6, parts 1 and 3, and all additional coverages included in or added to the policy by rider, endorsement,

or otherwise, whether or not required under Title 61, including, without limitation, uninsured, underinsured, and medical payment coverages."

Section 40. Section 37-72-101, MCA, is amended to read:

"37-72-101. Construction blasting restrictions -- license required -- definitions -- exemptions. (1) A person may not engage in the practice of construction blasting unless licensed or under the supervision of a person licensed as a construction blaster by the department.

(2) For the purposes of this chapter:

(a) "construction blaster" means a person who engages in construction blasting;

(b) "construction blasting" means the use of explosives to:

(i) reduce, destroy, or weaken any residential, commercial, or other building; or

(ii) excavate any ditch, trench, cut, or hole or reduce, destroy, weaken, or cause a change in grade of any land formation in the construction of any building, highway, road, pipeline, sewerline, or electric or other utility line;

(c) "department" means the department of labor and industry;

(d) "explosive" has the meaning provided in ~~61-1-506~~ 61-9-102.

(3) This chapter does not apply to the private or commercial use of explosives by persons engaged in farming, ranching, logging, geophysical work, drilling or development of water, oil, or gas wells, or mining of any kind or to the private use of explosives in the removal of stumps and rocks from land owned by the person using the explosives, except that the persons exempted from this chapter by this subsection shall comply with rules adopted under 37-72-201(1)(c) and the provisions of 37-72-102 apply to a violation of those rules by an exempted person.

(4) This chapter does not apply to persons conducting blasting operations when the persons and operations are subject to rules adopted under 82-4-231(10)(e)."

Section 41. Section 45-5-205, MCA, is amended to read:

"45-5-205. Negligent vehicular assault -- penalty. (1) A person who negligently operates a vehicle, other than a bicycle as defined in ~~61-1-123~~ 61-8-102, while under

the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided for in 61-8-401(1), and who causes bodily injury to another commits the offense of negligent vehicular assault.

(2) Subject to subsection (3), a person convicted of the offense of negligent vehicular assault shall be fined an amount not to exceed $1,000 or incarcerated in a county jail for a term not to exceed 1 year, or both, and shall be ordered to pay restitution as provided in 46-18-241.

(3) A person convicted of the offense of negligent vehicular assault who caused serious bodily injury to another shall be fined an amount not to exceed $10,000 or incarcerated for a term not to exceed 10 years, or both, and shall be ordered to pay restitution as provided in 46-18-241.

(4) If a term of incarceration is imposed under subsection (2) or (3), the judge may suspend the term of incarceration upon the condition of payment of any fine imposed and of restitution. If the person does not pay the fine or restitution, the term of incarceration may be imposed."

Section 42. Section 61-1-101, MCA, is amended to read:

"61-1-101. Definitions. ~~Unless~~ As used in this title, unless the context indicates otherwise, the ~~words and phrases defined in this chapter have, as used in this title, the meanings respectively ascribed to them in this chapter.~~ following definitions apply:

(1) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(2) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

(b) The term does not include a truck canopy cover or topper.

(3) "Certificate of title" means the paper record issued by the department or by the appropriate agency of another jurisdiction that establishes a verifiable record

of ownership between an identified person or persons and the motor vehicle specifically described in the record and that provides notice of a perfected security interest in the motor vehicle.

(4) "Commercial driver's license" means:

(a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate a class of commercial motor vehicle; and

(b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid commercial driver's license.

(5) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;

(iii) is designed to transport at least 16 passengers, including the driver;

(iv) is a school bus as defined in 20-10-101; or

(v) is of any size and is used to transport any quantity or form of hazardous material, as defined in 61-8-801, required to be placarded pursuant to Title 49, Code of Federal Regulations.

(b) The following vehicles are not commercial motor vehicles:

(i) an authorized emergency service vehicle:

(A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

(B) entitled to the exemptions granted under 61-8-107; or

(ii) a vehicle:

(A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

(B) used to transport farm products, farm machinery, or farm supplies within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including any area within that

perimeter that is in the adjoining state; and

(C) not used to transport goods for compensation or for hire.

(c) For purposes of this subsection (5):

(i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person;

(ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle; and

(iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle.

(6) "Commission" means the state transportation commission.

(7) (a) "Dealer" means a person, firm, association, or corporation that, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker, as defined in 61-4-131, of new or used motor vehicles, trailers, semitrailers, or pole trailers that are not registered in the name of the person, firm, association, or corporation and that are required to be licensed under chapter 4 of this title.

(b) The term does not include the following:

(i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under a judgment or order of any court of competent jurisdiction;

(ii) employees of the persons included in subsection (7)(b)(i) when engaged in the specific performance of their duties as employees; or

(iii) public officers while performing or in the operation of their duties.

(8) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration.

(9) "Department" means the department of justice acting directly or through its duly authorized officers or agents.

(10) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

(11) "Driver" means a person who drives or is in actual physical control of a vehicle.

(12) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

(a) any temporary license or instruction permit;

(b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

(c) any nonresident's driving privilege;

(d) a motorcycle endorsement; or

(e) a commercial driver's license.

(13) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

(14) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the vehicle.

(15) "Highway" or "public highway" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

(16) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(17) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

(18) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

(19) (a) "Manufactured home" means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards.

(b) The term does not include a mobile home, as defined in 15-1-101 or this

section, a housetrailer, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(20) "Manufacturer" includes any person, firm, corporation, or association engaged in the manufacture of motor vehicles, trailers, or semitrailers as a regular business.

(21) "Manufacturer's certificate of origin" means the original paper record produced and issued by the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of ownership of the vehicle to the person or persons named in the certificate.

(22) "Mobile home" or "housetrailer" means a trailer or a semitrailer that is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and that is equipped for use as a conveyance on streets and highways or a trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a housetrailer but that is used permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services or for any commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(23) "Motor home" means a motor vehicle:

(a) designed to provide temporary living quarters, built as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van;

(b) containing permanently installed independent life support systems that meet the ANSIA/A119.2 standard; and

(c) providing at least four of the following types of facilities:

(i) cooking, refrigeration, or icebox;

(ii) self-contained toilet;

(iii) heating or air-conditioning, or both;

(iv) potable water supply, including a faucet and sink; or

(v) separate 110-volt or 125-volt electrical power supply or a liquefied

petroleum gas supply; or both.

(24) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

(b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard or any successor federal agency.

(25) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by a court that are operating motor vehicles upon a public highway in this state for the transportation of property for hire on a commercial basis.

(b) The term does not include motor carriers regulated under Title 69, chapter 12.

(26) (a) "Motorcycle" means a motor vehicle having not more than three wheels in contact with the ground and a saddle on which the operator sits or a platform on which the operator stands and a driving wheel in contact with the ground in addition to the wheels of the vehicle itself. A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

(b) The term does not include a tractor or a bicycle as defined in 61-8-102.

(27) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces 5 horsepower or less.

(b) The term does not include a bicycle as defined in 61-8-102.

(28) (a) "Motor vehicle" means a vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state;

(b) The term does not include a bicycle as defined in 61-8-102.

(29) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as the result of a retail sale.

(30) "Nonresident" means a person who is not a resident of this state.

(31) (a) "Off-highway vehicle" means a self-propelled vehicle used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams.

The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

(b) The term does not include:

(i) vehicles designed primarily for travel on, over, or in the water;

(ii) snowmobiles; or

(iii) vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the vehicle is used for off-road recreation on public lands.

(32) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the person in whom is vested the right of possession or control.

(33) "Operator" means a person who is in actual physical control of a motor vehicle.

(34) "Person" means an individual, corporation, partnership, association, firm, or other legal entity. (35) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

(36) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connections.

(37) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(38) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower.

(b) The term does not include golf carts.

(39) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(40) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars coupled to the engine, that is operated upon rails.

(b) The term does not include streetcars.

(41) "Recreational vehicle" includes self-propelled vehicles originally designed or permanently altered to provide temporary facilities for recreational, travel, or camping use.

(42) "Registration decal" means an adhesive sticker produced by the department and issued by the department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, or pole trailer as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department under 61-3-101.

(43) "Registration receipt" means a paper record that is produced and issued or, if authorized by the department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the vehicle for the registration period indicated in the receipt.

(44) "Retail sale" means the sale of a new motor vehicle or used motor vehicle, a recreational vehicle, a trailer, a travel trailer, a motorcycle, a quadricycle, or special mobile equipment by a dealer to a person for purposes other than resale.

(45) "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and may not be renewed or restored. An application for a new license may be presented and acted upon by the department after the expiration of the period of the revocation.

(46) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways, the term refers to any roadway separately but not to all roadways collectively.

(47) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

(48) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(49) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that is not otherwise registered or licensed under the laws of the state of Montana.

(50) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

(51) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use.

(b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

(52) (a) "Stop", when required, means complete cessation from movement.

(b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, highway

patrol officer, or traffic control sign or signal.

(53) "Street" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

(54) "Suspension" means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn, but only during the period of suspension.

(55) "Temporary registration permit" means:

(a) a paper record produced and issued by the department, its authorized agent, a county treasurer, or a law enforcement officer to a person to whom ownership of a vehicle was transferred that, when mounted in the left-hand corner of a rear window of a motor vehicle or affixed as prescribed on a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle, authorizes the operation of the vehicle for a specified time period prior to registration under 23-2-512, 23-2-616, 23-2-804, or 61-3-303; or

(b) a durable license plate-style placard approved by the department and issued by an authorized agent of the department or a county treasurer to a person to whom ownership of a vehicle has been transferred that, when attached to the rear of the vehicle in a manner prescribed by the department, authorizes the operation of a motor vehicle for a specified time period prior to registration under 61-3-303.

(56) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel.

(57) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(58) "Transaction summary receipt" means an electronic record produced and issued by the department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain a unique transaction record number and summarize and verify the electronic filing of the

transaction described in the receipt on the electronic record of title maintained under 61-3-101.

(59) "Travel trailer" means a trailer 45 feet or less in length and 8 feet or less in width originally designed or permanently altered to provide temporary facilities for recreational, travel, or camping use and not used as a principal residence.

(60) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(61) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

(62) "Under the influence" has the meaning provided in 61-8-401.

(63) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, given away, or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is commonly known as "secondhand" within the ordinary meaning of that term.

(64) "Van" means a motor vehicle designed for the transportation of at least six persons and not more than nine persons and intended for but not limited to family or personal transportation without compensation.

(65) "Vehicle" means a device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails or tracks.

(66) "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

(67) "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(68) "Wholesaler" means a person, firm, partnership, association, or corporation that for a commission or with intent to make a profit or gain of money or other thing

of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, recreational vehicle, trailer, semitrailer, pole trailer, special mobile equipment, motorcycle, or quadricycle only to vehicle dealers and auto auctions licensed under chapter 4, part 1."

Section 43. Section 61-3-101, MCA, is amended to read:

"61-3-101. Duties of department -- records. (1) (a) The department shall create and maintain a central registry of electronic files that includes an electronic record of title as specified in this section for motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, and snowmobiles for which:

(i) an application for a certificate of title has been received by the department, its authorized agent, or a county treasurer;

(ii) a certificate of title has been issued by the department; or

(iii) a registration, security interest, or lien transaction has been recorded by the department.

(b) The central registry of electronic files described in subsection (1) must include an electronic record of registration for each motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, and snowmobile registered in this state:

(i) for which the certificate of title was issued by another jurisdiction and that was registered in another jurisdiction; or

(ii) for which a certificate of title has not been issued or is not required.

(2) The electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile must contain the following information:

(a) the name, residence, and mailing address of the owner and:

(i) if the owner is the holder of a driver's license or identification card issued by the department or by a motor vehicle agency of another jurisdiction, the owner's driver's license or identification card number and the issuing jurisdiction; or

(ii) if the owner is a corporation, the registered agent's name and, if the agent is the holder of a driver's license or identification card, the agent's driver's license or identification card number and the issuing jurisdiction;

(b) a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, including, as pertinent to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile:

(i) the manufacturer of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(ii) the manufacturer's designation of the style of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(iii) the identifying number;

(iv) the manufacturer's designated model year of manufacture and the odometer reading, if applicable, at the time of the transfer of ownership;

(v) the character of the motive power and the shipping weight of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile as shown by the manufacturer;

(vi) the distinctive license number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, if any;

(vii) the gross vehicle weight and gross vehicle weight rating, as determined by the manufacturer, or, for a trailer operating interstate, the declared weight;

(viii) the unique transaction record number, when available and assigned by the department, for each transaction pertaining to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and the date of each transaction;

(ix) any brand required under state law or any brand carried forward from a certificate of title surrendered from another jurisdiction;

(x) if the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been or is currently registered in

this state, the distinctive license plate number or certificate number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and a record of all fees and local option taxes, if applicable, paid for the current and preceding registration periods; and

(xi) other information that may be required for registration or may from time to time be found desirable.

(3) The electronic record of registration for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile must contain, at a minimum, the following information:

(a) the name, residence, and mailing address of the owner and the driver's license or identification card data required in subsections (2)(a)(i) and (2)(a)(ii);

(b) the same data that is required under subsection (2)(b) for the electronic record of title; and

(c) any other data consider to be pertinent by the department.

(4) In order to prevent an accumulation of unneeded records and files, regardless of any other statutory requirements, the department may destroy all records and files that relate to motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles that have not been registered within the preceding 4 years and that do not have an active lien.

(5) Subject to the provisions of Title 61, chapter 11, part 5, motor vehicle records maintained by the department must be open to inspection during reasonable business hours, and the department shall furnish any information from the records, except personal information and highly restricted personal information, as defined in 61-11-503, upon payment by the applicant of the cost of the information requested. Prior to providing the information, the department shall require the applicant to provide identification. The department may not disclose personal information or highly restricted personal information except as permitted or required under 61-11-507, 61-11-508, or 61-11-509."

Section 44. Section 61-3-103, MCA, is amended to read:

"61-3-103. Filing of security

interests -- perfection -- rights -- procedure -- fees. (1) (a) Except as provided in subsection (2), the department, its authorized agent, or a county treasurer shall, upon payment of the fee required by subsection (8), enter a voluntary security interest or lien against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile upon receipt of a written acknowledgment by a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner of a voluntary security interest or lien on a form required by the department. The entry may be made if:

(i) the person is applying for a certificate of title and the manufacturer's certificate of origin or a certificate of title is being surrendered; or

(ii) a transfer of ownership is not sought.

(b) After the voluntary security interest or lien has been entered on the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the department, its authorized agent, or a county treasurer shall issue a transaction summary receipt to the owner and, if requested, to the secured party or lienholder, showing the date that the security interest or lien was perfected.

(c) A voluntary security interest or lien is perfected on the date that the department, its authorized agent, or a county treasurer receives the written acknowledgment of the voluntary security interest or lien from the owner of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(d) Unless a person applying for a certificate of title requests issuance of a certificate of title under 61-3-201, the department may not record a voluntary security interest or lien on the face of a certificate of title.

(2) A security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile held as inventory by a dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.

(3) Whenever a security interest or lien is filed against the electronic record

of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is subject to two security interests previously perfected under this section and the applicant has requested issuance of a certificate of title under 61-3-201, the department shall endorse on the face of the certificate of title, "NOTICE. This ~~motor~~ vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests is not required to be endorsed on the certificate.

(4) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(5) A secured party or lienholder who has a perfected security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and who fails to file a satisfaction of the security interest or lien within 21 days after receiving final payment is required to pay the department $25 for each day that the secured party or lienholder fails to file the satisfaction.

(6) Within 24 hours after receiving notice of any involuntary liens or attachments against the record of any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile registered in this state, the department shall mail to the owner or any secured party or lienholder of record a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching creditor.

(7) (a) This section does not prevent a secured party or lienholder from assigning the secured party's or lienholder's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or

snowmobile, for which a certificate of title is issued under this chapter, to any other person without the consent of and without affecting the interest of the holder of the certificate of title.

(b) If a secured party assigns all or part of the party's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title is issued under this chapter, the secured party assigning the interest shall file a copy of the assignment with the department and the department shall record the assignment in the department's records.

(8) (a) A fee must be paid to the department to file any security interest or other lien against a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The fee covers the cost of entering and, upon the subsequent satisfaction or release, of removing the security interest or lien from the electronic record of title.

(b) Beginning January 1, 2002, and ending June 30, 2011, the fee is $8. Of the $8 fee, $4 must be deposited in the state general fund in accordance with 15-1-504. The remaining $4 must be forwarded to the ~~department of revenue~~ state for deposit in the motor vehicle information technology system account provided for in 61-3-550.

(c) Beginning July 1, 2011, the fee is $4 and must be deposited in the state general fund.

(9) A fee of $10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. The $10 fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550. (Subsection (9) terminates June 30, 2013--sec. 15, Ch. 562, L. 2003.)"

Section 45. Section 61-3-106, MCA, is amended to read:

"61-3-106. Report of stolen and recovered motor vehicles -- accessibility -- insurance fraud and theft reporting -- immunity. (1) It

is the duty of the sheriff of each county of the state and of the chief of police or commissioner of police of each city to make an immediate entry regarding each theft or recovery of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile ~~theft or recovery~~ into the state automated stolen motor vehicle file maintained by the department on the state's criminal justice information system. Failure on the part of any officer to make the immediate entry is considered ~~misfeasance~~ malfeasance in office and constitutes grounds for removal. Upon entry of the information, the state's criminal justice information system and the national crime information center must be allowed immediate access to the state automated stolen motor vehicle file. The department shall file reports of stolen and recovered motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles reported to it from other states.

(2) The state automated stolen motor vehicle file must be made available to the secretary of state or other proper official in each state of the United States through access to the national crime information center.

(3) Upon written request to an insurer by an authorized governmental agency or upon an insurer's own initiative to notify a specific lienholder, an insurer or an agent authorized by an insurer to act on its behalf shall release to the requesting agency or lienholder relevant information in the insurer's possession relating to any specific motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance fraud.

(4) (a) Except as otherwise provided by law, information furnished pursuant to this section is privileged and may not become part of a public record. The evidence or information is not subject to a subpoena duces tecum in a civil or criminal proceeding unless the court determines after reasonable notice to the parties listed in subsection (4)(b) and a hearing that the public interest and any ongoing investigation by the parties listed in subsection (4)(b) will not be jeopardized by compliance with the subpoena duces tecum.

(b) The notice required by subsection (4)(a) must be sent to an insurer, an agent authorized by an insurer to act on its behalf, an authorized governmental agency that has an interest in the information, and a specific lienholder.

(5) An authorized governmental agency provided with information pursuant to this section may release or provide the information to any other authorized governmental agency.

(6) An insurer, an agent authorized by an insurer to act on its behalf, or an employee of an insurer or agent is not subject to civil or criminal liability in any cause of action for releasing or receiving information under this section.

(7) As used in this section, the following definitions apply:

(a) "Authorized governmental agency" means:

(i) any constituted criminal investigative department or agency of the United States;

(ii) the state department of justice;

(iii) the state auditor's office;

(iv) a peace officer of the state or a political subdivision of the state; or

(v) a prosecuting attorney of any state, of any political subdivision of any state, or of the United States or any district of the United States.

(b) "Relevant information" includes but is not limited to:

(i) insurance policy information related to any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance fraud under investigation, including an application for a policy;

(ii) available policy premium payment records;

(iii) the history of previous claims made by the insured; and

(iv) information relating to the investigation of any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance fraud, including statements of any person, proof of loss and notice of loss, and any information that an insurer knows or reasonably believes reveals or may reveal the identity of a person who it has reason to believe committed a criminal or fraudulent act relating to a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance claim or has knowledge of an act that has not been reported to an authorized governmental agency.

(c) "Specific lienholder" means a person or firm that holds a security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile involved in a specific motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance fraud."

Section 46. Section 61-3-107, MCA, is amended to read:

"61-3-107. Identification number for trailers, campers, and other motor vehicles. (1) A trailer, semitrailer, pole trailer, housetrailer, or camper that does not have a manufacturer's or other identifying number on the trailer, semitrailer, pole trailer, housetrailer, or camper must be assigned an identification number by the department.

(2) The department may not issue a certificate of ownership or a certificate of title or reissue a certificate of ownership or a certificate of title covering a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile on which the identification number has been altered, removed, obliterated, defaced, omitted, or is otherwise absent unless the owner or other person lawfully in possession of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile files an application with the department, accompanied by a fee of $5. The application must be on a form provided by the department and must contain information required by the department for the assignment of a special identification number for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. Upon receipt of the application and if the department is satisfied that the applicant is entitled to the assignment of an identification number, the department shall designate a special identification number for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The department shall note the special identification number on the application and on records to be kept by the department. This assigned identification number must be stamped or securely attached in a conspicuous position on the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,

sailboat, or snowmobile in the manner and form prescribed by the department.

(3) If the true identity of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile can be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks, the department may not assign a special identification number and shall replace the motor vehicle's, trailer's, semitrailer's, pole trailer's, camper's, motorboat's, personal watercraft's, sailboat's, or snowmobile's identification mark by duplicating the manufacturer's full numeric or alphanumeric identification sequence. The department may replace an identification mark only after conducting an inquiry to determine that ownership of the motor vehicle bearing a restored identification mark has been lawfully transferred to the applicant. The applicant shall apply for and the department shall replace the identification mark on the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile as required under subsection (2).

(4) Upon receipt by the department of a certificate of inspection completed by a peace officer or authorized member of the department verifying that the identification number has been stamped or securely attached in a conspicuous position upon the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, accompanied by an application for a certificate of ownership or a certificate of title and the required fee, the department shall use the number as the numeric or alphanumeric identification mark for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in any certificate of ownership or a certificate of title that may be issued."

Section 47. Section 61-3-110, MCA, is amended to read:

"61-3-110. Contract rental price adjustment -- not sale or security interest. In the case of a motor vehicle, trailer, ~~or~~ semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, a transaction does not create a sale or security interest solely because it permits or requires that the rental price be adjusted either upward or downward under the agreement by reference to the amount

realized upon the sale or other disposition of the motor vehicle, trailer, ~~or~~ semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. To the extent that a conflict exists, this section supersedes any other provision of law."

Section 48. Section 61-3-201, MCA, is amended to read:

"61-3-201. Certificate of title required -- exclusions. (1) Except as provided in subsection (2), the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(2) The following motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

(a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

(b) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is:

(i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

(ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;

(c) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by a nonresident of this state;

(d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile regularly engaged in the interstate transportation of ~~person~~ persons or property and:

(i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

(ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

(e) a vehicle moved solely by human or animal power;

(f) an implement of husbandry;

(g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to agricultural land;

(h) a self-propelled wheelchair or tricycle used by a person with a disability; or

(i) a dolly or converter gear.

(3) The certificate of title is valid until canceled by the department upon a transfer of any interest shown in the certificate of title, and annual renewal is not needed."

Section 49. Section 61-3-202, MCA, is amended to read:

"61-3-202. Certificate of title -- issuance -- contents -- joint ownership. (1) A certificate of title issued by the department must contain:

(a) the date issued;

(b) the name and address of the owner;

(c) the mileage disclosed by the transferor when ownership of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred, including a notation that the record mileage is actual, not actual, or exceeds mechanical limits;

(d) the name and address of each secured party and lienholder, in the order of priority and perfection or, if the application was based on a surrendered certificate of title, in the order that the names and addresses are shown on the certificate of title;

(e) the title number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(f) the name of the jurisdiction in which the motor vehicle, trailer,

semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner resides~~,~~, the words "certificate of title"~~,~~, the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile identification number~~,~~, the manufacturer's designated model year of manufacture, make, and model of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile~~,~~, and any required or carried-forward brands;

(g) the unique transaction record number, if available and assigned by the department; and

(h) any other data that the department prescribes.

(2) A certificate of title issued by the department is valid until canceled by the department upon:

(a) a transfer, in the electronic record, of title of any ownership interest shown in the certificate of title;

(b) notice received by the department of the surrender of the certificate of title to a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile ~~title issuing~~ to a title -issuing agency of another jurisdiction for an issuance of a title in that jurisdiction;

(c) the issuance of a duplicate certificate of title; or

(d) a determination by the department that the certificate of title contains a substantial error or that the person who requested issuance of the certificate of title paid the required fees and taxes with an insufficient funds check.

(3) (a) Whenever the conditions described in subsection (2)(d) occur, the department shall:

(i) give prompt written notice of the cancellation of the certificate of title to any owner, secured party, or lienholder of record; and

(ii) stop any change to the electronic record of title.

(b) The action taken by the department under subsection (3)(a) prevents the transfer of any ownership interest until the error is corrected or the fees and taxes have been paid.

(4) If the names and addresses of more than one owner are listed on the

certificate of title, joint ownership with right of survivorship, and not as tenants in common, is presumed."

Section 50. Section 61-3-204, MCA, is amended to read:

"61-3-204. Replacement certificate of title -- application. (1) If a certificate of title is lost, stolen, destroyed, mutilated, or becomes illegible or if the owner wants to update personal information on the electronic record of title or have a replacement certificate of title issued with updated information, the owner, as shown on the electronic record of title, may apply for and request the department to issue a replacement certificate of title. The application must include satisfactory evidence of the facts requiring the replacement certificate of title and be accompanied by a fee of $10. Of the $10 fee, $5 must be deposited in the state general fund in accordance with 15-1-504, and the remaining $5 must be ~~forwarded to the department for deposit~~ deposited in the motor vehicle information technology system account provided for in 61-3-550.

(2) Each replacement certificate of title issued by the department must contain the following statement: "This replacement voids any previously issued title.""

Section 51. Section 61-3-205, MCA, is amended to read:

"61-3-205. Transfer of ownership of vehicles by insurance company. (1) When an insurance company or its adjuster has taken possession of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile as a result of settling an insurance claim and transfers ownership of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, it shall deliver to the transferee at the time of transfer a certificate of title signed and acknowledged by the registered owner or owners before the county treasurer, a deputy county treasurer, or a notary public.

(2) If the certificate of title names one or more holders of a perfected security interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the insurance company or its adjuster shall also secure and deliver to the transferee a release from the secured party of

the security interest."

Section 52. Section 61-3-206, MCA, is amended to read:

"61-3-206. Odometer disclosure requirements on transfer of vehicle -- dealer to preserve record. (1) Except as provided in subsection (3), before executing any transfer of ownership document relating to a motor vehicle, each seller of a motor vehicle shall record on the certificate of title the odometer reading at the time of transfer or, if the certificate of title does not provide for the recording of the odometer reading, furnish to the purchaser a written statement that is signed by the seller, who shall also print the seller's name on the written statement, and that contains the following information:

(a) the odometer reading at the time of transfer;

(b) the date of transfer;

(c) the seller's name and current address;

(d) the purchaser's name and current address;

(e) the motor vehicle year, make, model, body style, and identification number;

(f) one of the following statements or certification:

(i) a certification by the seller that, to the best of the seller's knowledge, the odometer reading reflects the actual miles or kilometers the vehicle has been driven;

(ii) if the seller knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit of 99,999 miles or kilometers, the seller shall include a statement to that effect; or

(iii) if the seller knows that the odometer reading differs from the number of miles or kilometers the motor vehicle has actually traveled and that the difference is greater than that caused by odometer calibration error, the seller shall include a statement that the odometer reading is not the actual mileage and should not be relied upon.

(2) The purchaser shall acknowledge receipt of the disclosure statement by signing it and printing the purchaser's name on the disclosure statement.

(3) The seller of the following types of motor vehicles need not disclose the odometer reading of the vehicle as required in subsection (1):

(a) a motor vehicle that is 10 years old or older;

(b) a vehicle, trailer, semitrailer, pole trailer, camper, or sailboat that is not self-propelled;

(c) a new motor vehicle transferred between dealers or wholesalers prior to its first retail sale, unless the motor vehicle has been used as a demonstrator;

(d) a motor vehicle having a gross weight rating of more than 16,000 pounds; or

(e) a motor vehicle sold directly by the manufacturer to an agency of the United States.

(4) A dealer or wholesaler licensed under chapter 4 of this title shall create a record of the information required in subsection (1) and shall maintain and preserve that record for at least 5 years after the date of sale of the motor vehicle to which the information pertains."

Section 53. Section 61-3-208, MCA, is amended to read:

"**61-3-208. Affidavit and bond for certificate of title.** (1) If an applicant for a certificate of title cannot provide the department with the certificate of title that assigns the prior owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to the applicant, the department may issue a certificate of title if subsection (2) is complied with.

(2) (a) The applicant shall submit an affidavit in a form prescribed by the department that must be signed and sworn to before an officer authorized to administer oaths and affirmations. The affidavit must accompany the application for the certificate of title and must:

(i) include the facts and circumstances through which the applicant acquired ownership and possession of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(ii) disclose security interests, liens, or encumbrances that are known to the applicant and that are outstanding against the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(iii) state that the applicant has the right to have a certificate of title issued.

(b) The application must satisfy one of the following conditions:

(i) The vehicle for which the application is being made must be a ~~boat~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile, and the loss of the certificate of title must be established by the applicant to the department's satisfaction.

(ii) The applicant shall certify in the affidavit that the value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile for which the application is made is $500 or less as indicated by the average trade-in or wholesale value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile as determined by the applicable national appraisal guide for the vehicle as of January 1 for the year in which the application is made or, if a national appraisal guide is not available for a ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile, according to the applicant's knowledge and belief.

(iii) The applicant shall provide a bond, in a form prescribed by the department, issued by a surety company authorized to do business in this state, in an amount equal to the value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile for which the application is being made, as determined by the surety company. The bond is conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured creditor, or encumbrancer of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile and any respective successors in interest against expenses, losses, or damages, including reasonable attorney fees, caused by the issuance of the certificate of title or by a defect in or undisclosed security interest upon the right, title, and interest of the applicant in the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile.

(3) Any interested person has a right of action to recover on the bond furnished under this section for a breach of its conditions, but the aggregate liability of the surety to all persons may not exceed the amount of the bond.

(4) Unless the department has been notified of a pending action to recover the bond furnished under this section, the department shall return the bond at the earlier of:

(a) 3 years from the date of issuance of the certificate of title; or

(b) the date of surrender of the valid certificate of title to the department if the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is no longer required to have a certificate of title in this state."

Section 54. Section 61-3-210, MCA, is amended to read:

"61-3-210. Definitions. As used in this part, the following definitions apply:

(1) "Cab" means the passenger compartment of a ~~common~~ truck or pickup truck. It is a unit of construction that includes the top or roof and the cowl and may or may not include glass, instrumentation, the steering column, and a seat or seats.

(2) "Center structure" includes the section of either a unibody or frame-type passenger motor vehicle that consists of a unit of sheet metal that extends from the firewall to the back of the rear seat or the centerline of the rear wheels. The structure may comprise the roof, side and rear window posts, cowl panel, dash panel, floor pans, doors, and rocker panels if two or more of these parts are assembled together as one unit.

(3) "Component part" means the front-end assembly, center structure, or tail section of an automobile, the cab of a truck, the bed of a 1-ton or lighter truck, the frame of a motor vehicle, or any part of a motor vehicle that contains a vehicle identification number or a derivative of a vehicle identification number.

(4) "Frame" means the structure that supports the automobile body and other external component parts.

(5) "Front-end assembly" includes the hood, right front and left front fenders, grill, bumper, and radiator supports if two or more of these parts are assembled together

as one unit forward of the firewall.

(6) "Salvage certificate" means a certificate of title issued by the department for a salvage vehicle that may be used to retitle the motor vehicle.

(7) "Salvage vehicle" means a motor vehicle damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the owner, an insurer, or ~~other~~ another person acting on behalf of the owner determines that the cost of parts and labor makes it uneconomical to repair the vehicle.

(8) "Salvage vehicle purchaser" means a person, other than an insurer, who purchases or otherwise obtains possession of a salvage vehicle.

(9) "Tail section" includes the floor pan, right rear and left rear quarter panels, deck lid, upper rear and lower rear panels, and rear bumper if two or more of these parts are assembled together as one unit.

~~(10) "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the vehicle or a component part of the vehicle.~~"

Section 55. Section 61-3-211, MCA, is amended to read:

"**61-3-211. Surrender of certificate of title -- issuance of salvage certificate -- salvage retitling requirements.** (1) An insurer acquiring ownership of a motor vehicle that is less than 5 years of age and that the insurer determines to be a salvage vehicle shall surrender the certificate of title to the department within 15 days after acquiring the certificate of title. If the insurer has not sold the salvage vehicle prior to the time of surrendering the certificate of title, the insurer shall apply for a salvage certificate on a form prescribed by the department. If the certificate of title names one or more holders of a perfected security interest in the motor vehicle, the insurer shall secure and deliver to the department a release from each secured party of the secured interest.

(2) Upon receipt of a properly executed certificate of title and a salvage certificate application from an insurer, the department shall issue a salvage certificate to the insurer within 5 working days of the date of receipt of the

application. Upon receipt of a salvage certificate issued by the department, an insurer may possess, retain, transport, sell, transfer, or otherwise dispose of the salvage vehicle. The salvage certificate is prima facie evidence of ownership of a salvage vehicle.

(3) If the insurer sells a salvage vehicle within the 15-day period established in subsection (1) prior to surrendering the certificate of title, the insurer shall complete a salvage receipt on a form prescribed by the department. The insurer shall deliver the original salvage receipt to the salvage vehicle purchaser only after obtaining a clear title and lien release. Prior to disposing of the salvage vehicle, the salvage vehicle purchaser shall apply for a salvage certificate by completing the salvage receipt and submitting it to the department. The insurer shall deliver a copy of the salvage receipt with the surrendered certificate of title to the department. Upon receipt of the certificate of title from the insurer and the application from the salvage vehicle purchaser, the department shall issue a salvage certificate to the salvage vehicle purchaser that is prima facie evidence of ownership.

(4) If an insurer determines that a salvage vehicle will remain with the owner after an agreed settlement, the insurer shall notify the department of the settlement on a form prescribed by the department. Upon receipt of the notice, the department may require the owner to surrender the certificate of title in compliance with this part, regardless of whether ownership of the salvage vehicle was obtained in a jurisdiction not requiring the surrender of the certificate of title or a comparable ownership document.

(5) At the time of surrender of a certificate of title for a salvage vehicle not acquired by an insurer, the department shall issue a salvage certificate to the owner. Upon receipt of a salvage certificate issued by the department to a noninsurer, the owner may possess, retain, transport, sell, transfer, or otherwise dispose of the salvage vehicle. A salvage certificate is prima facie evidence of ownership of a salvage vehicle.

(6) A fee of $5 must be paid to the department for the issuance of a salvage certificate.

(7) A salvage vehicle owned by or in the inventory of a motor vehicle wrecking

facility on October 1, 1991, is exempt from the provisions of this section if the owner of the facility has complied with the provisions of 75-10-513(2)."

Section 56. Section 61-3-212, MCA, is amended to read:

"61-3-212. Retitling salvage vehicles -- penalty. (1) Prior to operating a salvage vehicle on the roads and highways of this state, the owner shall present the motor vehicle and the salvage certificate, if one has been issued, or the certificate of title, the appropriate receipts or bills of sale establishing ownership, and the source of component parts used to rebuild the motor vehicle to a department employee or designated peace officer for inspection, as provided in 61-3-223. An owner may obtain a 72-hour temporary registration permit from the department or its designee for the purpose of moving a salvage vehicle to and from the designated inspection site.

(2) (a) The inspector shall inspect the motor vehicle to verify the identity of the motor vehicle.

(b) The inspector shall verify that the component parts used to rebuild the motor vehicle are evidenced by traceable receipts or bills of sale and that there are no indications that the motor vehicle or any of its parts are stolen. Documentation provided by the owner or employee of a wrecking facility licensed under the provisions of Title 75, chapter 10, part 5, is prima facie evidence of the facts stated in the documentation.

(3) Following inspection and prior to operating the motor vehicle on the roads and highways of this state, the owner shall apply for a new certificate of title by submitting the application, the salvage certificate, receipts or bills of sale, and a copy of the inspection report to the department.

(4) Upon receipt of the application, required documentation, and payment of the fee required in 61-3-203, the department shall issue a new certificate of title with the words "rebuilt salvage" on the face of the certificate of title.

(5) A person failing to comply with the provisions of this part is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed $500. The salvage vehicle purchaser shall produce the salvage certificate upon request of a public official legally entitled to request the certificate. A person may not operate or use

a salvage vehicle on the roads or highways of this state except when a temporary registration permit has been issued as provided in subsection (1)."

Section 57. Section 61-3-216, MCA, is amended to read:

"61-3-216. Certificates of title -- application -- contents -- issuance. (1) The owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile shall apply for a certificate of title on a form prescribed by the department or, if authorized by the department, in an electronic record provided by the department and made available to an authorized agent of the department or a county treasurer.

(2) The application for a certificate of title, upon completion, must include:

(a) the name, residence, and mailing address of the owner and:

(i) if the owner is the holder of a driver's license or identification card issued by the department or a motor vehicle agency of another jurisdiction, the owner's driver's license number or identification card number and the name of the jurisdiction issuing the license or card; or

(ii) if the owner is a corporation, the name of the corporation's registered agent's and, if the agent is the holder of a driver's license or identification card, the agent's driver's license number or identification card number and the name of the jurisdiction issuing the license or card;

(b) a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, including, as available and pertinent to the vehicle:

(i) the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile make, model, manufacturer's designated model year of manufacture, vehicle identification number, and type of body and a description of motive power;

(ii) the odometer reading, if applicable, at the time of transfer of ownership;

(iii) the gross vehicle weight rating, gross vehicle weight, or shipping weight, if applicable, as determined by the manufacturer;

(iv) whether the motor vehicle, trailer, semitrailer, pole trailer, camper,

motorboat, personal watercraft, sailboat, or snowmobile was new or used at the time of transfer; and

(v) ~~if the vehicle is~~ for a trailer operating intrastate, its declared weight;

(c) the date on which the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was purchased by or was transferred to the applicant, the name and address of the person from whom the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was acquired, and the names and addresses of any secured parties or lienholders for whom the applicant is acknowledging a voluntary security interest;

(d) any other information that the department requires to identify the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and to enable the department to determine whether the owner is entitled to a certificate of title and to determine the existence of security interests in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(e) if applicable, an odometer statement containing the information required in 61-3-206 or, if the title does not contain a space for the information, a separate document approved by the department that provides the same information that is required in 61-3-206; and

(f) a section that gives the applicant the option to direct the department, upon examination and review of the records and completion of the application process, to:

(i) issue a certificate of title as soon as possible; or

(ii) update the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, issue a transaction summary receipt, and postpone the issuance of a certificate of a title until the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner submits a separate request for issuance of the certificate of title.

(3) If the application is for a certificate of title to a new motor vehicle,

trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the application must be accompanied by a manufacturer's certificate of origin, properly assigned to the applicant.

(4) Except as provided in 61-3-208 or subsection (4)(b) of this section, if the application is for a certificate of title to a used motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the application must be:

(a) accompanied by a certificate of title that is properly assigned by the prior owner to the applicant; or

(b) acknowledged by the prior owner if the prior owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was assigned to the applicant by means of a transfer on the electronic record of title entered by an authorized agent of the department or a county treasurer.

(5) If the application is for a certificate of title to a camper and if a certificate of title properly assigned by the prior owner is not available, the application must be accompanied by a notarized bill of sale or a conditional sales contract.

(6) If the application is for a certificate of title to a motorboat, a personal watercraft, a sailboat that is 12 feet in length or longer, or a snowmobile and a certificate of title properly assigned by the prior owner is not available, the application must be accompanied by a notarized bill of sale, an invoice, the ~~vehicle's~~ current registration receipt for the motorboat, personal watercraft, sailboat, or snowmobile, or a certificate of number showing the transfer of ownership, which may be used to show the transfer of ownership for a motorboat, personal watercraft, ~~or~~ sailboat, or snowmobile from the immediate prior owner to the applicant."

Section 58. Section 61-3-217, MCA, is amended to read:

"61-3-217. Certificate of title -- duties -- examination of application -- records check -- incomplete application. (1) (a) Upon receipt of an application for a certificate of title and any supporting documents, an authorized

agent of the department or a county treasurer shall:

(i) review the application and documents;

(ii) complete the records check required in subsection (2); and

(iii) if an authorized agent of the department or the county treasurer is satisfied as to the genuineness and regularity of the application and satisfied that the applicant is entitled to the issuance of a certificate of title, enter the transfer of interest on the electronic record of title.

(b) If an authorized agent of the department or the county treasurer is not satisfied as to the genuineness and regularity of the application or is not satisfied that the applicant is entitled to the issuance of a certificate of title, the authorized agent or the county treasurer may not enter the transfer of interest on the electronic record of title.

(c) If an authorized agent of the department or the county treasurer enters the transfer of interest on the electronic record of title, an authorized agent or the county treasurer shall:

(i) issue a transaction summary receipt to the applicant and, if requested, to any secured party or lienholder with a perfected security interest; and

(ii) as prescribed by the department, forward to the department the application, the assigned certificate of title, and any other documents provided in support of the application.

(2) The department, its authorized agent, or a county treasurer who first receives an application for a certificate of title shall check the vehicle identification number shown on the application against:

(a) the records of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles maintained by the department under 61-3-101;

(b) the reported stolen motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile databases maintained on the state's criminal justice information network and by the national crime information center; and

(c) any other records or databases prescribed by the department.

(3) (a) Upon receipt of an application for a certificate of title and supporting documents that have been processed by an authorized agent of the department or a county treasurer, the department shall review the documents to determine if the application is complete. If the department determines that the application is incomplete, the department shall enter the incomplete status of the application on the electric record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and return to the applicant, by first-class mail, the application and all supporting documents. The department shall provide a statement with a specific description of the additional information or documents that must be supplied by the applicant to complete the application process.

(b) Except as provided in 61-3-342, the department may not complete the application process, remove the incomplete status notation on the electronic record of title, or issue a certificate of title until the applicant returns the completed application, including any supporting additional information or documents, to the department."

Section 59. Section 61-3-218, MCA, is amended to read:

"61-3-218. Certificate of title -- issuance -- delivery. (1) Except as provided in subsection (2), if a person who applied for a certificate of title also requested the issuance of the certificate of title as provided in 61-3-216(2)(f)(i), upon receipt of the application and all supporting documents and after an examination and determination that the application is complete and regular, the department shall issue a certificate of title of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and shall mail the certificate of title to the owner.

(2) If a person to whom a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred has not satisfied the titling and registration provisions of this chapter or, if applicable, the registration provisions of Title 23, chapter 2, part 5 or 6, within the 20-day period provided in 61-3-220(3) and the secured party or lienholder pays the title fee required in 61-3-203, the department may mail a certificate of title to the secured

party or lienholder upon request of the secured party or lienholder.

(3) (a) A motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner who requested the delayed issuance of a certificate of title under 61-3-216(2)(f)(ii), in the initial application for a certificate of title, may submit a request for the issuance of the certificate of title to the department, its authorized agent, or a county treasurer in a manner prescribed by the department. Upon receipt, the department shall issue a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and mail the certificate of title to the owner.

(b) A title fee may not be demanded from the owner or collected by the department, its authorized agent, or a county treasurer for a certificate of title requested or issued under subsection (3)(a)."

Section 60. Section 61-3-219, MCA, is amended to read:

"61-3-219. Refusal to issue certificate of title. The department may refuse to issue a certificate of title if any required fee is not paid or if the department has reasonable grounds to believe that:

(1) the applicant is not the owner of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(2) the application contains a false or fraudulent statement;

(3) the applicant failed to furnish any information or document required by the department; or

(4) based on the check performed under 61-3-217(2), the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been reported as stolen."

Section 61. Section 61-3-220, MCA, is amended to read:

"61-3-220. Certificate of title -- voluntary transfer -- timeliness -- penalty. (1) Upon the voluntary transfer of any interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which

a certificate of title was issued under the provisions of this chapter, the owner whose interest is to be transferred shall:

(a) authorize, in writing and on a form prescribed by the department, its authorized agent, or a county treasurer, to enter the transfer of the owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to the transferee on the electronic record of title maintained under 61-3-101; or

(b) execute a transfer in the appropriate space provided on the certificate of title issued to the owner and deliver the assigned certificate of title to:

(i) the transferee at the time of delivery of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile; or

(ii) the department, its authorized agent, or a county treasurer if an application for a certificate of title has been completed by the transferee and accompanies the assigned certificate of title.

(2) The transferor's signature on the certificate of title~~,~~ or the form authorizing transfer of interest upon the electronic record of title~~,~~ must be acknowledged before the county treasurer, a deputy county treasurer, an elected official authorized to acknowledge signatures, an employee or authorized agent of the department, or a notary public.

(3) Except as provided in sections 23-2-513, 23-2-619, 23-2-818, or 61-4-111, the person to whom an interest in a motor vehicle has been transferred shall:

(a) execute an application for a certificate of title in the space provided on the assigned certificate of title or as prescribed by the department; and

(b) within 20 days after the interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred to the person, mail or deliver the assigned certificate of title or application to the county treasurer of the person's county of residence or, as permitted by the department, its authorized agent.

(4) If the person to whom an interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been

transferred fails to submit the application for a certificate of title to the department's authorized agent or a county treasurer within the 20-day grace period described in subsection (3), a late penalty of $10 must be imposed against the transferee. The penalty must be paid by the transferee to the county treasurer when the application for a certificate of title is finally submitted by the transferee or before the transferee may register the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in this state. The penalty is in addition to the fees otherwise provided by law.

(5) If the transferee does not apply for a certificate of title within the 20-day grace period, a secured party or lienholder of record may pay the fees for the transfer of title and for filing a voluntary security interest or lien. The secured party or lienholder is not liable for the late penalty imposed in subsection (4) or for registration fees, taxes, or fees in lieu of tax on the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile."

Section 62. Section 61-3-221, MCA, is amended to read:

"61-3-221. Involuntary transfer. (1) (a) An involuntary transfer of title to or any interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile may occur by operation of law through inheritance, devise, bequest, order in bankruptcy or insolvency, execution sale, or repossession upon default in the performance of the terms of a lease, executory sales contract, or security agreement or in any other manner other than by voluntary act of the person whose title or interest is transferred. Upon the involuntary transfer, the executor, administrator, receiver, trustee, sheriff, secured party, or other representative or successor in interest of the person whose interest is transferred shall send to the department:

(i) an application for a certificate of title; and

(ii) a verified or certified statement of the transfer of interest or a transfer statement, as defined in 30-9A-619.

(b) The statement of transfer of interest must state the reason for the

involuntary transfer, the interest transferred, the name of the person to whom the interest is to be transferred, the process or procedure creating the transfer, and other information requested by the department. A transfer statement submitted under this section must meet the requirements of 30-9A-619. Evidence and instruments that are required by law in order to effect a transfer of legal or equitable title to or an interest in chattels must be submitted with the statement.

(c) Except as provided in subsection (2), if the department determines that the transfer is regular and that all legal requirements have been complied with, the department shall send notice of the intended transfer to the owner, conditional sales vendor, lessor, mortgagee, and other lienholder, as shown in the department's records. Deposit in the U.S. mail of the notice, postage prepaid, addressed to the person at the respective address shown in the department's records satisfies the notice required by this section. Not less than 5 days after sending the notice, the department shall issue a new certificate of title to the transferee.

(2) (a) Except as provided in subsection (2)(b), if an interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is not registered in this state is involuntarily transferred to a person in this state, the person to whom the interest is transferred shall follow the procedure provided in subsection (1).

(b) In lieu of the statement required in subsection (1), the department may accept an affidavit of repossession as executed by the person seeking the involuntary transfer.

(3) The department is not required to send notice for a transfer of interest occurring under subsection (2)."

Section 63. Section 61-3-222, MCA, is amended to read:

"**61-3-222. Surviving spouse or heir -- small estates.** (1) Subject to the limitations of Title 72, chapter 3, part 11, the surviving spouse or other heir may secure transfer of a decedent's ownership interests in one or more motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles for which a certificate of title was issued under this chapter

if:

(a) the combined value of the interests does not exceed $20,000;

(b) the decedent did not leave other property that requires the procuring of letters of administration or letters testamentary; and

(c) the decedent did not by execution of a will otherwise bequeath the property.

(2) The person seeking transfer of the decedent's interests under this section shall file an affidavit with the department setting forth the fact of survivorship, the name and address of any other heirs, and any other facts determined necessary to entitle the person to the transfer.

(3) If the department determines that the transfer is regular and that all legal requirements have been met, the department shall issue a certificate of title, subject to any security interests shown by the department's records, to the surviving spouse or other heir."

Section 64. Section 61-3-223, MCA, is amended to read:

"61-3-223. Salvage vehicles. (1) A salvage vehicle for which a certificate of title is sought must be inspected for the vehicle identification number to authenticate the identity of the motor vehicle before an electronic record of title can be created or a certificate of title can be issued. The inspection does not attest to the roadworthiness or safety condition of the motor vehicle and must be performed by an authorized employee or an authorized agent of the department or by a peace officer designated by the department.

(2) The department may contract with a person or entity for use of a facility as a regional inspection site for salvage vehicles.

(3) The department shall collect an inspection fee of $18.50 from the person requesting the inspection for each salvage vehicle inspected. The fees collected under this section must be distributed as follows:

(a) $5 must be deposited in the state general fund; and

(b) $13.50 must be deposited in an account in the state special revenue fund to be appropriated only for the inspection of salvage vehicles.

(4) (a) A person authorized to inspect salvage vehicles may seize and hold a

vehicle:

(i) if the person has probable cause to believe that the motor vehicle has been stolen;

(ii) on which a motor number or vehicle identification number has been defaced, altered, removed, covered, destroyed, or obliterated; or

(iii) that has a vehicle identification number that does not conform with the vehicle identification number on the certificate of title.

(b) A seized motor vehicle must be held until the identity of the motor vehicle is established and arrangements are made for its lawful disposition. A person authorized to inspect salvage vehicles may use any means necessary to identify a motor vehicle by its vehicle identification number or numbers.

(5) The department may not create an electronic record of title or issue a certificate of title for a salvage vehicle until the identity of the motor vehicle is established.

(6) The department may adopt rules for the inspection of salvage vehicles."

Section 65. Section 61-3-224, MCA, is amended to read:

"61-3-224. Temporary registration permit. (1) A county treasurer or a law enforcement officer may issue a temporary registration permit under the provisions of 61-3-317. A county treasurer may also issue a temporary registration permit under the provisions of 61-3-342.

(2) An employee or agent of the department may issue a temporary registration permit only under express authorization from the department and in accordance with the provisions of this chapter.

(3) A dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or under Title 61, chapter 4, part 1, may issue a temporary registration permit only as authorized under 23-2-513, 23-2-619, 23-2-818, 61-4-111, or 61-4-112.

(4) A temporary registration permit issued under subsections (1) through (3) must contain the following information:

(a) a temporary registration permit control number, registration receipt number, or transaction record number, as prescribed by the department;

(b) the expiration date of the temporary registration permit; and

(c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification number, the name and address of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name and residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of transfer."

Section 66. Section 61-3-301, MCA, is amended to read:

"**61-3-301. Registration -- license plate required -- display.** (1) Except as otherwise provided in this chapter, a person may not operate a motor vehicle, trailer, semitrailer, or pole trailer upon the public highways of Montana unless the motor vehicle, trailer, semitrailer, or pole trailer is properly registered and has the proper number plates conspicuously displayed, one on the front and one on the rear of the motor vehicle, trailer, semitrailer, or pole trailer, each securely fastened to prevent it from swinging and unobstructed from plain view, except that motor vehicles, trailers, semitrailers, or pole trailers authorized to display demonstrator plates under 61-4-125 or 61-4-129 may have only one number plate conspicuously displayed on the rear. A person may not display on a motor vehicle, trailer, semitrailer, or pole trailer at the same time a number assigned to it under any motor vehicle law except as provided in this chapter. A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven or towed to an auto wrecking graveyard for disposal is exempt from the provisions of this section.

(2) A person may not purchase or display on a motor vehicle, trailer, semitrailer, or pole trailer a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county of the person's permanent residence at the time of application for registration. However, the owner of a motor vehicle, trailer, semitrailer, or pole trailer requiring a license plate on a motor vehicle, trailer, semitrailer, or pole trailer used in the public transportation of persons

or property may make application for the license in any county through which the motor vehicle, trailer, semitrailer, or pole trailer passes in its regularly scheduled route, and the license plate issued bearing the number assigned to that county may be displayed on the motor vehicle, trailer, semitrailer, or pole trailer in any other county of the state.

(3) It is unlawful to:

(a) display license plates issued to one motor vehicle, trailer, semitrailer, or pole trailer on any other motor vehicle, trailer, ~~or~~ semitrailer, or pole trailer unless legally transferred as provided by statute;

(b) repaint old license plates to resemble current license plates; or

(c) display a prior design of number plates issued under 61-3-332(4)(a) or special license plates issued under 61-3-332(10) or 61-3-421 more than 18 months after a new design of number plates or special license plates has been issued, except as provided in 61-3-332(4)(c) and (4)(d), 61-3-448, or 61-3-468.

(4) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer exempt from taxation under 15-6-215 or subject to the registration fee ~~or fee in lieu of tax under~~ as provided in 61-3-520.

(5) A person violating these provisions is guilty of a misdemeanor and is subject to the penalty prescribed in 61-3-601.

(6) For the purposes of this section, "conspicuously displayed" means that the required license plates are obviously visible and firmly attached to:

(a) the front and the rear bumper of a motor vehicle, trailer, semitrailer, or pole trailer equipped with front and rear bumpers; or

(b) other clearly visible locations on the front and the rear exteriors of a motor vehicle, trailer, semitrailer, or pole trailer."

Section 67. Section 61-3-302, MCA, is amended to read:

"**61-3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden.** ~~It shall especially be provided that a~~ A resident of the state of Montana ~~shall~~ may not operate a motor vehicle, trailer, semitrailer, or pole trailer under a license issued by any other state than Montana."

Section 68. Section 61-3-303, MCA, is amended to read:

"61-3-303. Registration -- process -- fees. (1) A Montana resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner permanently resides or, if the motor vehicle, trailer, semitrailer, or pole trailer is owned by a corporation or used primarily for commercial purposes, in the county where the motor vehicle, trailer, semitrailer, or pole trailer is permanently assigned.

(2) (a) Except as provided in subsection (3), the county treasurer shall register any motor vehicle, trailer, semitrailer, or pole trailer for which:

(i) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(b) To register a motor vehicle, trailer, semitrailer, or pole trailer, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.

(3) (a) A county treasurer shall register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which the new owner cannot present the previously issued certificate

of title only as authorized by the department under 61-3-342.

(4) The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle, trailer, semitrailer, or pole trailer at the time of its registration.

(5) A person who seeks to register a motor vehicle, except a mobile home, ~~or a~~ manufactured home ~~as those terms are defined in 15-1-101(1)~~, trailer, semitrailer, or pole trailer, shall pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

(b) except as provided in 61-3-456 or unless it has been previously paid, the ~~motor vehicle~~ fees in lieu of tax or registration fees under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562 imposed against the motor vehicle, trailer, semitrailer, or pole trailer for the current year of registration and the immediately previous year; and

(c) a donation of $1 or more if the person has indicated on the application that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; and

(d) a donation of $1 or more if the person has indicated on the application that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.

(6) The county treasurer may not issue a registration receipt or license plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (5). Except as provided in ~~61-3-560 through~~ 61-3-321(2) or 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) except as provided in subsection (9), the immediately preceding year if

the motor vehicle, trailer, semitrailer, or pole trailer was not registered or operated on the highways of the state, regardless of the period of time since the motor vehicle, trailer, semitrailer, or pole trailer was previously registered or operated.

(7) The department may make full and complete investigation of the registration status of the motor vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.

(8) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer~~, or semitrailer~~ that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who registered the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a ~~vehicle described in this subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership ~~of the vehicle~~ is transferred.

(b) Whenever ownership of a ~~vehicle described in subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

(10) Revenue that accrues from the voluntary donation provided in subsection

(5)(d) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury."

Section 69. Section 61-3-311, MCA, is amended to read:

"61-3-311. Registration -- annual renewal -- time periods. (1) Registration must be renewed annually, and registration fees must be paid annually. Except as provided in 61-3-313 through 61-3-316, 61-3-318, 61-3-526, and 61-3-721, all registrations expire on December 31 of the year in which they are issued and must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year. If the ownership of a motor vehicle, trailer, semitrailer, or pole trailer is transferred during the registration year, the new owner shall apply for a certificate of title and register the motor vehicle, trailer, semitrailer, or pole trailer as provided by this chapter.

(2) The department, its authorized agent, or a county treasurer may not renew the registration of a motor vehicle, trailer, semitrailer, or pole trailer ~~whose~~ for which ownership has been transferred and that was originally registered under the provisions of 61-3-342(3) unless:

(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the motor vehicle, trailer, semitrailer, or pole trailer has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."

Section 70. Section 61-3-312, MCA, is amended to read:

"61-3-312. Renewal of registration -- exceptions -- grace period. (1) Except as provided in 61-3-311(1), 61-3-314, 61-3-321(2), 61-3-318, 61-3-526, ~~61-3-560,~~ 61-3-562, and 61-3-721, the registration of a motor vehicle, trailer, semitrailer, or pole trailer under this chapter expires on December 31 of each year and must be

renewed annually upon payment of registration fees as provided in 61-3-303 and 61-3-321. The renewal takes effect on January 1 of each year. A registration receipt is valid only during the registration year for which it is issued.

(2) The owner of a motor vehicle, trailer, semitrailer, or pole trailer registered under the provisions of this section may operate the motor vehicle, trailer, semitrailer, or pole trailer between January 1 and February 15 without displaying the registration decal of the current year if, during the period, the owner displays upon the motor vehicle, trailer, semitrailer, or pole trailer the number plates or plate assigned for the previous year."

Section 71. Section 61-3-313, MCA, is amended to read:

"61-3-313. ~~Vehicles~~ Motor vehicles subject to staggered registration. For purposes of 61-3-313 through 61-3-316, "motor vehicle" means a motor vehicle~~, as defined in 61-1-102,~~ that is subject to annual registration in this state except:

(1) motor vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;

(2) mobile homes and motor homes;

(3) motor vehicles that are registered in accordance with or subject to 61-3-411 or 61-3-458(3)(b);

(4) trucks exceeding a 1-ton rated capacity;

(5) trailers, semitrailers, pole trailers, tractors, and buses;

(6) special mobile equipment, ~~as defined in 61-1-104~~ a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader;

(7) motor vehicles registered as part of a fleet under 61-3-318; and

(8) apportionable motor vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733."

Section 72. Section 61-3-314, MCA, is amended to read:

"61-3-314. Registration period. (1) Except as provided in 61-3-315, each motor vehicle subject to the provisions of 61-3-313 through 61-3-316 must be registered for a 12-month period based upon the date it is first registered in this state pursuant

to 61-3-313 through 61-3-316.

(2) There are 12 registration periods, each of which commences on the first day of a calendar month. The periods are:

(a)	January 1 through January 31	1st period
(b)	February 1 through February 28/29	2nd period
(c)	March 1 through March 31	3rd period
(d)	April 1 through April 30	4th period
(e)	May 1 through May 31	5th period
(f)	June 1 through June 30	6th period
(g)	July 1 through July 31	7th period
(h)	August 1 through August 31	8th period
(i)	September 1 through September 30	9th period
(j)	October 1 through October 31	10th period
(k)	November 1 through November 30	11th period
(l)	December 1 through December 31	12th period"

Section 73. Section 61-3-315, MCA, is amended to read:

"61-3-315. Reregistration on anniversary date -- department to make rules -- early reregistration. (1) A motor vehicle that has been registered for any of the periods designated in 61-3-314 must be reregistered for the same period on or before the anniversary date of the initial registration unless that period is changed as provided in subsections (2) and (4). The anniversary date for reregistration is the last day of the month for the designated registration period.

(2) (a) The owner of a motor vehicle subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in ~~61-3-560 and 61-3-561~~ 61-3-321(2), may register the motor vehicle for a period not to exceed 24 months. The registration expires on the last day of the 24th month commencing from the date of the designated registration period under 61-3-314 for which the motor vehicle is registered.

(b) The owner of a motor vehicle 11 years old or older subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in ~~61-3-560~~

~~and 61-3-561~~ 61-3-321(2), may permanently register the motor vehicle as provided in 61-3-562. The registration remains in effect until ownership of the motor vehicle is transferred to another person by the registered owner.

(3) The department shall adopt rules for the implementation and administration of 61-3-313 through 61-3-316 and for the identification of the registration on the motor vehicles. The rules adopted by the department pursuant to this section must also allow early reregistration of motor vehicles that are subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in ~~61-3-560 and 61-3-561~~ 61-3-321(2), when an owner of a motor vehicle presents extenuating circumstances.

(4) The department shall provide for simultaneous registration of multiple motor vehicles that have common ownership. The rules must provide for a change of the registration period to coincide with the date an owner desires to register the motor vehicles."

Section 74. Section 61-3-316, MCA, is amended to read:

"61-3-316. New registrations under staggered registration. A motor vehicle that is registered for the first time in this state must be assigned a registration period corresponding to when the motor vehicle is first registered in this state. Except as provided in 61-3-315, the registration period for a motor vehicle must remain the same from year to year."

Section 75. Section 61-3-317, MCA, is amended to read:

"61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty -- display of proof of purchase. (1) Except as otherwise provided in this section, the new owner of a transferred motor vehicle, trailer, semitrailer, or pole trailer has a grace period of 20 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by part 5 of this chapter, and local option taxes, if applicable, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the motor vehicle, trailer, semitrailer, or pole

trailer were being registered for the first time in that registration year.

(2) The new owner of a motor vehicle, trailer, semitrailer, or pole trailer described in 61-3-303(9) shall make application and pay the registration fees, fees in lieu of tax, and other fees required by part 5 of this chapter and local option taxes, if applicable, whether or not the fees and taxes have been paid previously.

(3) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state without a current registration receipt or registration decal during the 20-day period if at all times during that period, a temporary registration permit, obtained from the county treasurer or a law enforcement officer as authorized by the department, is clearly displayed in the rear window of the motor vehicle or, if a durable placard has been issued for the motor vehicle, trailer, semitrailer, or pole trailer, the placard is attached to the rear of the motor vehicle, trailer, semitrailer, or pole trailer.

(4) Registration fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section.

(5) Failure to make application for a certificate of title within the time provided in this section subjects the purchaser to a penalty of $10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. The penalty must be deposited in the state general fund."

Section 76. Section 61-3-318, MCA, is amended to read:

"61-3-318. Fleet registration period. (1) (a) Notwithstanding any other provisions of this title regarding the registration of motor vehicles, a person owning or leasing a fleet may register its ~~motor vehicles~~ fleet for a 6-month period, commencing from the date of original registration.

(b) A motor vehicle remaining in the fleet at the end of a 6-month period must be reregistered for a minimum of 12 months.

(2) As used in this section, "fleet" means more than 25 automobiles or trucks

having a rated capacity of three-quarters of a ton or less that are rented or offered for rental without drivers and that are designated by a rental owner as a rental fleet."

Section 77. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, snowmobiles, watercraft, trailers, ~~and~~ semitrailers, and pole trailers ~~in accordance with this chapter,~~ as ~~follows~~ provided in subsections (2) through (18):

(2) (a) Except as provided in subsection (2)(b), there is a registration fee imposed on light vehicles. The registration fee is in addition to other annual registration fees.

(b) The following vehicles are exempt from the registration fee imposed in this subsection (2):

(i) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520;

(ii) a light vehicle owned by a person eligible for a waiver of registration fees under 61-3-460;

(iii) a light vehicle registered under 61-3-456.

(c) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the 24-month period.

~~(a)~~(d) The annual registration fee for light vehicles under 2,850 pounds, ~~$13.75 in calendar year 2004 and, in each subsequent year, $17;~~ trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(i) if the vehicle is 4 or less years old, $217;

(ii) if the vehicle is 5 through 10 years old, $87; and

(iii) if the vehicle is 11 or more years old, $28;

(e) The owner of a light vehicle 11 years old or older may permanently register the light vehicle as provided in 61-3-562.

~~(b)~~(3) (a) Except as provided in subsection (3)(c), the owner of a trailer, semitrailer, or pole trailer that has a declared weight of less than 6,000 pounds shall pay a one-time fee of $61.25.

(b) The owner of a trailer, semitrailer, or pole trailer with a declared weight of 6,000 pounds or more shall pay a one-time fee of $148.25.

(c) Except as provided in subsection (17), whenever a transfer of ownership of a trailer, semitrailer, or pole trailer described in subsection (3)(a) or (3)(b) occurs, the one-time fee required under subsection (3)(a) or (3)(b) must be paid by the new owner. ~~trailers with a declared weight of less than 2,500 pounds and semitrailers, $8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(c)~~(4) The annual registration fee for motor vehicles ~~registered~~ owned and operated solely as collector's items pursuant to 61-3-411 that are for motor vehicles:

~~(i)~~(a) 2,850 pounds and over, $10; and

~~(ii)~~(b) under 2,850 pounds, $5~~;~~.

~~(d)~~(5) (a) The registration fee for off-highway vehicles ~~registered pursuant to 23-2-817, $9 in calendar year 2004 and, in each subsequent year, $19.25~~ is $61.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle. Except as provided in subsection (17), whenever a transfer of ownership of an off-highway vehicle occurs, the one-time fee required under this subsection must be paid by the new owner.

(b) The application for registration for an off-highway vehicle must be made to the county treasurer of the county in which the owner resides, on a form furnished by the department for that purpose. The application must contain:

(i) the name and home mailing address of the owner;

(ii) the certificate of title number;

(iii) the name of the manufacturer of the off-highway vehicle;

(iv) the model number or name;

(v) the year of manufacture;

(vi) a statement evidencing payment of the fee in lieu of property tax; and

(vii) other information that the department may require.

(c) If the off-highway vehicle was previously registered, the application must be accompanied by the registration certificate for the most recent year in which it was registered. Upon payment of the registration fee, the county treasurer shall sign the application and issue a registration receipt containing the information considered necessary by the department. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

~~(e)~~(6) The annual registration fee for ~~light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and~~ heavy trucks, buses, and logging trucks in excess of 1 ton~~, $18.75 in calendar year 2004 and, in each subsequent year, $22~~ is $22.75~~;~~.

~~(f) logging trucks less than 1 ton, $23.75;~~

~~(g)~~(7) (a) ~~motor homes, $22.25;~~ The owner of a motor home shall pay an annual fee based on the age of the motor home according to the following schedule:

(i) less than 2 years old, $282.50;

(ii) 2 years old and less than 4 years old, $224.25;

(iii) 4 years old and less than 7 years old, $132.50; and

(iv) 7 years old and older, $97.50.

(b) (i) Except as provided in subsection (7)(b)(ii), the age of a motor home is determined by subtracting the manufacturer's designated model year from the current calendar year.

(ii) If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

~~(h)~~(8) The registration fee for motorcycles and quadricycles~~, $9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $9.75 in calendar year 2004 and, in each subsequent year, $11.25~~ registered for use on public highways is $69.25,

and the registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is $130.50. ~~This fee is~~ The registration fees in this subsection (8) are a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle. The amount of $16 of each fee must be deposited in the motorcycle safety account provided for in 20-25-1002.

~~(i) trailers and semitrailers between 2,500 and 6,000 pounds, $11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, $16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(k)~~(9) (a) The registration fee for travel trailers under 16 feet in length~~, $11.75~~ is $72 and the registration fee for travel trailers 16 feet in length or longer is $152. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(b) Except as provided in subsection (17), whenever a transfer of ownership of a travel trailer occurs, the one-time fee required under subsection (9)(a) must be paid by the new owner.

~~(l) recreational vehicles, $3.50 in calendar year 2004 and, in each subsequent year, $9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.~~

(10) The owner of each motorboat, sailboat, personal watercraft, or motorized pontoon requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, personal watercraft, or motorized pontoon is owned, on forms prepared and furnished by the department. The application must be signed by the owner of the motorboat, sailboat, personal watercraft, or motorized pontoon and be accompanied by the appropriate registration fee. The owner of a motorboat, a sailboat, personal watercraft, or a motorized pontoon shall pay a one-time fee as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, $65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, $125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, $295.50.

(11) (a) Except as provided in subsection (11)(b), the one-time registration fee for a snowmobile is $60.50.

(b) A snowmobile that is licensed by a Montana business and that is owned exclusively for the purpose of daily rental to customers is assessed:

(i) a fee of $40.50 in the first year of registration; and

(ii) if the business reregisters the snowmobile for a second year, the fee in lieu of tax imposed in subsection (11)(a).

(c) Except as provided in subsection (17), whenever a transfer of ownership of a snowmobile occurs, the applicable fee required under this subsection (11) must be paid by the new owner.

~~(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.~~

~~(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.~~

~~(3) An additional fee of $5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $5 in calendar year 2004 and, in each subsequent year, $16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.~~

~~(4)~~(12) A fee of $5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.

~~(5)~~(13) The provisions of this part with respect to the payment of registration

fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

~~(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.~~

~~(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.~~

~~(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.~~

~~(b) The following vehicles are not subject to the fee:~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;~~

~~(ii) off-highway vehicles registered pursuant to 23-2-817; and~~

~~(iii) vehicles bearing license plates described in 61-3-458(3)(d).~~

~~(8)~~(14) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

~~(9)~~(15) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(10)~~(16) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(17) The fees imposed by subsections (2) through (11) are not required to be

paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

~~(11)~~(18) (a) Unless a person exercises the option in subsection ~~(11)(b)~~ (18(b), an additional fee of $4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state ~~general~~ special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii). Of the $4 fee, the department shall use $3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional $4 fee provided for in subsection ~~(11)(a)~~ (18)(a). If a written election is made, the fee may not be collected.

(19) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

Section 78. Section 61-3-322, MCA, is amended to read:

"61-3-322. Registration receipts -- issuance. (1) Upon completion of the registration process, the county treasurer shall issue a registration receipt to the owner of the motor vehicle, trailer, semitrailer, or pole trailer.

(2) The registration receipt must contain the name and address of the owner of the motor vehicle, trailer, semitrailer, or pole trailer ~~owner~~, the license plate number assigned to the motor vehicle, trailer, semitrailer, or pole trailer, sufficient information to identify the registered motor vehicle, trailer, semitrailer, or pole trailer and determine its registration date and period of registration, and any additional information required by rule.

(3) The registration receipt must at all times be carried in the motor vehicle, trailer, semitrailer, or pole trailer to which it refers or must be carried by the

person driving or in control of the motor vehicle, trailer, semitrailer, or pole trailer, who shall display it upon demand of a peace officer or any officer or employee of the department or the department of transportation."

Section 79. Section 61-3-323, MCA, is amended to read:

"61-3-323. Definitions. As used in 61-3-323 through 61-3-325, unless the context requires otherwise, the following definitions apply:

(1) "Domicile" means the county in which a motor vehicle is most frequently used, dispatched, or controlled.

(2) "Fleet" means 100 or more motor vehicles, trailers, semitrailers, or pole trailers owned or leased by a person operating the motor vehicles, trailers, semitrailers, or pole trailers in this state."

Section 80. Section 61-3-324, MCA, is amended to read:

"61-3-324. Fleet registration -- application -- additions to and deletions from fleet. (1) A person owning or leasing a fleet may apply to the department of transportation to register the fleet annually through the department of transportation in lieu of registering each motor vehicle, trailer, semitrailer, or pole trailer in its domicile.

(2) The application for fleet registration must:

(a) be submitted to the department of transportation prior to November 1 of each year;

(b) include a list of the motor vehicles, trailers, semitrailers, or pole trailers in the fleet;

(c) include the current registration receipt for each motor vehicle, trailer, semitrailer, or pole trailer; and

(d) include any other relevant information required by the department of transportation.

(3) A motor vehicle, trailer, semitrailer, or pole trailer may be added to the fleet.

(4) A motor vehicle, trailer, semitrailer, or pole trailer may be removed from

a fleet if the owner of the fleet surrenders to the department of transportation the current registration receipt and the license plate for the motor vehicle, trailer, semitrailer, or pole trailer no later than December 31. If the receipt or license plate has been lost or stolen, the owner shall submit an affidavit explaining why ~~he~~ the owner is not able to surrender the receipt or license plate."

Section 81. Section 61-3-325, MCA, is amended to read:

"61-3-325. Vehicles subject to staggered registration -- fees and taxes -- disposition. (1) Any motor vehicle, trailer, semitrailer, or pole trailer in the fleet that is subject to staggered registration under 61-3-313 through 61-3-316 may be registered as part of the fleet on the following fleet renewal date. The department of transportation shall collect the remaining fees and taxes due for the registration year after crediting the registrant for the period that was previously paid.

(2) (a) The department of transportation shall compute fees and taxes due on each motor vehicle, trailer, semitrailer, or pole trailer in the fleet as provided in part 5 of this chapter, based on its domicile.

(b) The department of transportation shall also collect a registration fee of $7.50 for each motor vehicle, trailer, semitrailer, or pole trailer in the fleet in lieu of the registration fee provided for in 61-3-321. The department shall retain $4.50 of each registration fee for administrative costs and forward the remaining $3 to the state treasurer for deposit in the general fund.

(c) All fees and taxes must be paid no later than February 15 each year."

Section 82. Section 61-3-331, MCA, is amended to read:

"61-3-331. Assignment of number plates. The county treasurer shall, at the time of issuing a registration receipt under 61-3-322, assign ~~such~~ the motor vehicle, trailer, semitrailer, or pole trailer a distinctive number, ~~viz.,~~ which is the license plate number, and deliver to the applicant two license plates, as received from the department, which ~~shall~~ must bear ~~such~~ the distinctive numbers. The department shall ship ~~said~~ license plates to ~~the various county treasurers by freight,~~ each county treasurer so that they will be received by the county treasurer on or before January

1 of each year."

Section 83. Section 61-3-332, MCA, is amended to read:

"61-3-332. Number plates. (1) A motor vehicle, trailer, semitrailer, or pole trailer that is driven or operated upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.

(2) In addition to special license plates, collegiate license plates, and generic specialty license plates authorized under this chapter, a separate series of number plates must be issued, in the manner specified, for each of the following vehicle or dealer types:

(a) passenger vehicles, including automobiles, vans, and sport utility vehicles;

(b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";

(c) trucks, bearing the letter "T" or the word "TRUCK";

(d) trailers, bearing the letters "TR" or the word "TRAILER";

(e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";

(f) dealers of used motor vehicles only, including trucks, ~~and~~ trailers, semitrailers, and pole trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";

(g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word "DEALER";

(h) dealers of trailers, ~~or~~ semitrailers, or pole trailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER"; and

(i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER".

(3) (a) Except as provided in 61-3-479 and subsections (3)(b), (4)(c), and (4)(d) of this section, all number plates for motor vehicles, trailers, semitrailers, or pole trailers must be issued for a minimum period of 4 years, bear a distinctive marking, and be furnished by the department. In years when number plates are not issued,

the department shall provide a registration decal that must be affixed to the rear license plate of the vehicle.

(b) For light vehicles that are permanently registered as provided in ~~61-3-527 or~~ 61-3-315 and 61-3-562 and motor vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear license plate of the permanently registered motor vehicle.

(4) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section~~,~~ and ~~it~~ shall manufacture the newly designed number plates for issuance after December 31, 2005, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles, as described in subsection (2), before that date.

(b) Beginning January 1, 2006, the department shall manufacture and issue new number plates after the existing plates have been used for a minimum period of 4 years.

(c) A light vehicle that is registered for a 24-month period, as provided in 61-3-315 and ~~61-3-560~~ 61-3-321(2), may display the number plate and plate design in effect at the time of registration for the entire 24-month registration period.

(d) A light vehicle described in subsection (3)(b) that is permanently registered may display the number plate and plate design in effect at the time of registration for the entire period that the light vehicle is permanently registered.

(5) For passenger motor vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive border on the license plates~~,~~ and the word "Montana" must be placed on each plate. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(6) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special license plates, collegiate license plates, and generic specialty license plates, the distinctive registration number or letter-number combination assigned to the motor vehicle, as described in subsection

(2), must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(7) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles, trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in ~~61-3-560(2)(a)~~ 61-3-321, in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(8) Number plates issued to a passenger motor vehicle, truck, trailer,

semitrailer, pole trailer, motorcycle, or quadricycle may be transferred only to a replacement passenger motor vehicle, truck, trailer, semitrailer, pole trailer, motorcycle, or quadricycle. A registration fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they are formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection (6), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer, semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer, semitrailer, or pole trailer.

(11) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of

a wheelchair as the symbol of a person with a disability. If the motor vehicle to which the license plate is attached is permanently registered, the owner of the motor vehicle shall maintain evidence of continued eligibility to use the license plate, which must be attached to the registration document in the motor vehicle.

(12) The provisions of this section do not apply to a motor vehicle, trailer, ~~or~~ semitrailer, or pole trailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

Section 84. Section 61-3-333, MCA, is amended to read:

"61-3-333. Replacing number plates. If loss, mutilation, or destruction of number plates or a motor vehicle's, trailer's, semitrailer's, or pole trailer's registration decal occurs, the owner of the registered motor vehicle, trailer, semitrailer, or pole trailer may obtain from the department replacements of the number plates or a duplicate registration decal upon filing a sworn declaration stating that fact and payment of a fee of $5. If loss, mutilation, or destruction of pioneer plates occurs, duplicates may be obtained in the same manner upon payment of a fee of $5."

Section 85. Section 61-3-334, MCA, is amended to read:

"61-3-334. Expiration of registration on transfer of ownership of motor vehicle -- duty to remove plates. Upon the transfer of ownership of a motor vehicle, trailer, semitrailer, or pole trailer, the registration of the motor vehicle, trailer, semitrailer, or pole trailer ~~shall expire~~ expires and it ~~shall be~~ is the duty of the transferor immediately to remove the license plates from the motor vehicle, trailer, semitrailer, or pole trailer."

Section 86. Section 61-3-335, MCA, is amended to read:

"61-3-335. Transfer of license plates to another motor vehicle. (1) ~~Should~~ If the transferor ~~make application~~ applies for the registration of another motor vehicle, trailer, semitrailer, or pole trailer at any time during the remainder of the current registration year as shown on the original certificate of registration, ~~he~~ the transferor may file an application in the office of the county treasurer where the

motor vehicle, trailer, semitrailer, or pole trailer is registered, upon a form to be prepared and furnished by the department, accompanied by the original certificate of registration, for the transfer of the license plates. The application for transfer of the license plates from the motor vehicle, trailer, semitrailer, or pole trailer for which the license plates were originally issued to a motor vehicle, trailer, semitrailer, or pole trailer acquired by the same person in whose name the original license plates were issued ~~shall~~ must be made within 20 days from the date of acquiring the motor vehicle, trailer, semitrailer, or pole trailer. The use of the license plates ~~shall~~ may not be legalized until proper transfer of the license plates has been made.

(2) License plates may be transferred pursuant to this section without transferring ownership of the first motor vehicle, trailer, semitrailer, or pole trailer.

(3) Upon transfer of the license plates, the registration of the motor vehicle, trailer, semitrailer, or pole trailer from which the license plates were transferred expires. The certificate of registration for ~~such~~ that motor vehicle, trailer, semitrailer, or pole trailer must be surrendered to the county treasurer with the application for transfer."

Section 87. Section 61-3-342, MCA, is amended to read:

"**61-3-342. Temporary registration permit -- validity -- expiration.** (1) Any purchaser of a motor vehicle, trailer, semitrailer, or pole trailer who is unable to fully complete the process of applying for a certificate of title because the previously issued certificate of title is lost, in the possession of third parties, in the process of reissuance in this state or elsewhere, or subject to a disputed, preexisting security interest may, upon making affidavit to that effect upon a form prescribed by the department and upon the payment of all applicable registration fees and taxes, plus an additional fee of $2 to be collected by the county treasurer and remitted to the department, obtain a temporary registration permit from the county treasurer. The temporary registration permit, when issued by the county treasurer, is valid for 60 days from the date of issuance. The purchaser, upon displaying the temporary registration permit in the manner prescribed by the department, may operate the motor

vehicle, trailer, semitrailer, or pole trailer during the period stated in the temporary registration permit without displaying the number plates or plate for the current year. The county treasurer may not sell~~,~~ and a person may not purchase~~,~~ more than one 60-day temporary registration permit for any motor vehicle, trailer, semitrailer, or pole trailer, the ownership of which has not changed since the issuance of the previous 60-day temporary registration permit.

(2) The department may authorize the county treasurer to extend the previously issued temporary registration permit for an additional 60-day period if:

(a) an unusual circumstance prevents the owner of a motor vehicle, trailer, semitrailer, or pole trailer from presenting the certificate of title within the 60-day period permitted under subsection (1);

(b) the owner requests, on a form prescribed by the department, an extension of the time for which the temporary registration permit is valid and pays a $10 fee.

(3) Upon the expiration of the second 60-day temporary registration permit, if the purchaser still cannot present the previously issued certificate of title, properly assigned to the purchaser by the prior owner, or if a dispute remains as to any preexisting, perfected security interests created by the prior owner or the owner's assignee, the department may authorize the county treasurer to register the motor vehicle, trailer, semitrailer, or pole trailer and advise the purchaser that the registration will not be renewed at the end of the registration period unless:

(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the purchaser complies with the requirements of 61-3-208."

Section 88. Section 61-3-345, MCA, is amended to read:

"61-3-345. County motor vehicle computer system. (1) The department shall maintain a statewide online computer system to be used to register and reregister motor vehicles, trailers, semitrailers, pole trailers, ~~boats~~ campers, motorboats, personal watercraft, sailboats, snowmobiles, and off-highway vehicles.

(2) The department shall establish the user advisory group to assist in the

development of policies governing the registration and reregistration of motor vehicles, trailers, semitrailers, pole trailers, ~~boats~~ campers, motorboats, personal watercraft, sailboats, snowmobiles, and off-highway vehicles. The user advisory group must be appointed by the attorney general and must include:

(a) an employee of the department of administration selected by the director of the department of administration;

(b) two county treasurers, selected by the Montana county treasurers association;

(c) one county motor vehicle section supervisor, selected by the Montana county treasurers association;

(d) an employee of the department of revenue who is engaged in property assessment, selected by the director of the department of revenue;

(e) an employee of the department of justice, data processing division, selected by the division administrator;

(f) an employee of the department of justice, motor vehicle division, registrar's bureau, selected by the division administrator;

(g) an employee of the department of justice, motor vehicle division, driver services bureau, selected by the division administrator;

(h) a member of the Montana bankers' association, selected by the association director;

(i) a member of the Montana automobile dealers association, selected by the association director; and

(j) a member or employee of the Montana American automobile association, selected by the association director.

(3) Committee members who are not employees of the state of Montana shall serve a term of 2 years, and state employee members shall serve at the pleasure of the attorney general.

(4) Travel and per diem expenses for the committee must be charged to the motor vehicle division.

(5) Secretarial and support services for the committee must be provided by the motor vehicle division.

(6) The committee shall meet no more than four times a year unless specifically called by the attorney general."

Section 89. Section 61-3-401, MCA, is amended to read:

"61-3-401. Definition of personalized license plates. Personalized license plates, as used in 61-3-401 through 61-3-406, mean license plates that have displayed upon them the registration number assigned to the passenger motor vehicle for which ~~such~~ the registration number was issued in a combination of letters or numbers, or both, requested by the owner of the passenger motor vehicle."

Section 90. Section 61-3-403, MCA, is amended to read:

"61-3-403. Color and design of personalized license plates -- exception -- county designation. (1) Except as provided in 61-3-466, the personalized license plates must be the same color and design as regular passenger motor vehicle license plates and must consist of numbers or letters, or any combination ~~thereof~~ of numbers or letters, not exceeding eight positions and not less than two positions, provided that there are no conflicts with existing passenger motor vehicle, commercial motor vehicle, trailer, semitrailer, pole trailer, motorcycle, quadricycle, or special license plate series under this title.

(2) Upon the issuance of personalized license plates or upon the reregistration of any motor vehicle assigned personalized license plates that do not bear a county designation or no longer bear the correct county designation, the department shall provide nonremovable stickers bearing the appropriate county designation, which must be affixed to the license plates in use in accordance with instructions by the department."

Section 91. Section 61-3-404, MCA, is amended to read:

"61-3-404. Personalized license plates restricted to registered owner. Personalized license plates ~~shall~~ may be issued only to the registered owner of the motor vehicle upon which they are displayed."

Section 92. Section 61-3-411, MCA, is amended to read:

"61-3-411. Registration of a motor vehicle owned and operated solely as a collector's item. (1) An owner of a motor vehicle, trailer, semitrailer, or pole trailer that is more than 30 years old and that is used solely as a collector's item and not for general transportation purposes may file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must be sworn to before an officer authorized to administer oaths. The application must state:

(a) the name and address of the owner;

(b) the name and address of the person from whom purchased;

(c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer; and

(d) that the motor vehicle, trailer, semitrailer, or pole trailer is owned and operated solely as a collector's item and not for general transportation purposes.

(2) Upon receipt of the application for registration and payment of the registration fees, including fees in lieu of tax, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-303 and, unless the applicant chooses to exercise the option allowed in 61-3-412, shall deliver to the applicant:

(a) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1933 or earlier, two license plates bearing the inscription "Pioneer--Montana" and the registration number; or

(b) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1934 or later and more than 30 years old, two license plates bearing the inscription "Vintage--Montana" and the registration number.

(3) The year of issuance may not be shown on the plates.

(4) Annual renewal of the registration of a motor vehicle, trailer, semitrailer, or pole trailer registered under this section is not required, and the registration is valid as long as the motor vehicle, trailer, semitrailer, or pole trailer is in existence and owned by the initial registrant. Upon sale of the motor vehicle, trailer,

semitrailer, or pole trailer, the purchaser shall renew the registration and pay a license renewal fee of $10 for a vehicle weighing more than 2,850 pounds and $5 for a vehicle weighing 2,850 pounds or less."

Section 93. Section 61-3-412, MCA, is amended to read:

"61-3-412. Display of original Montana license plates on collector's item and general transportation collector's item motor vehicles -- definition -- validation. (1) As used in 61-3-413 and this section, "original Montana license plate" means a license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed.

(2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered as provided in 61-3-411 or 61-3-413 to display original Montana license plates, with validation as required in 61-3-413 or subsection (3) of this section, after:

(a) payment of the fee required in subsection (5);

(b) inspection by a highway patrol officer of the original Montana license plate to be displayed on the motor vehicle, trailer, semitrailer, or pole trailer and, upon payment of a $5 fee, receipt of the highway patrol officer's certification that the officer has determined that:

(i) the license plate is legible and meets the requirements of subsection (1); and

(ii) in the case of a license plate intended for use on a general transportation collector's item, the license plate is visible at night;

(c) receipt of an application by the owner of the motor vehicle, trailer, semitrailer, or pole trailer as provided for in 61-3-411 or 61-3-413; and

(d) in the case of a general transportation collector's item application, certification from the department that a duplicate license plate number does not exist among currently issued license plates.

(3) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer

registered under the provisions of 61-3-314 meets the requirements of subsection (2) of this section, the department shall:

(a) file the application and register information on the motor vehicle, trailer, semitrailer, or pole trailer in the manner prescribed in 61-3-303; and

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

(A) "P" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(a); or

(B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(b).

(4) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the validating decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a windshield does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or pole trailer.

(5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department with the application required under this section a one-time special collector's item motor vehicle, trailer, semitrailer, or pole trailer license fee of $20."

Section 94. Section 61-3-413, MCA, is amended to read:

"**61-3-413. Registration of motor vehicle as general transportation collector's item -- definition -- permanent registration required.** (1) For the purposes of 61-3-412 and this section, a "general transportation collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older and that is used for general transportation purposes.

(2) An owner of a general transportation collector's item who wishes to display original Montana license plates on the motor vehicle, trailer, semitrailer, or pole trailer shall file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must state:

(a) the name and address of the owner;

(b) the year and number of the license plate the applicant wishes to use; and

(c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer.

(3) Upon receipt of an application for registration of a general transportation collector's item, the department shall compare the number of the license plate that the applicant intends to use with the license plate numbers assigned to currently registered motor vehicles, trailers, semitrailers, or pole trailers. The department may reject an application if the number the applicant intends to use matches a number that is assigned to a currently registered motor vehicle, trailer, semitrailer, or pole trailer. If the department approves the application, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-101.

(4) Once an application is approved, appropriate fees are paid, and the requirements provided in 61-3-412(2) are met, an owner of a general transportation collector's item shall permanently register the motor vehicle, trailer, semitrailer, or pole trailer as provided in 61-3-562 and shall display on the motor vehicle's, trailer's, semitrailer's, or pole trailer's license plate a decal indicating that the motor vehicle, trailer, semitrailer, or pole trailer has been permanently registered."

Section 95. Section 61-3-421, MCA, is amended to read:

"**61-3-421. Amateur radio operators -- special license plate.** A motor vehicle, trailer, or pole trailer owner and resident of this state who holds an unrevoked and unexpired official amateur radio station license and operator's license, "conditional" or higher class, issued by the federal communications commission of the United States, upon written application on a form prescribed by the department, accompanied by proof of ownership of the amateur radio station license and operator's license, must be issued lettered license plates in pairs (two identically lettered plates), in lieu of the regular license plates prescribed by law. There must be stamped or impressed upon the special license plates in clear lettering the official amateur radio call letters of

the owner as assigned to the owner by the federal communications commission, and the plates so lettered must be renewed as provided in 61-3-312."

Section 96. Section 61-3-422, MCA, is amended to read:

"61-3-422. Issuance -- application -- additional fee. The department shall issue lettered license plates as provided in 61-3-421 to amateur radio operators upon:

(1) application showing proof that the applicant is the owner and holder of an amateur radio station license and operator's license;

(2) compliance with the state ~~motor vehicle~~ laws relating to registration and licensing of motor vehicles, trailers, semitrailers, or pole trailers;

(3) payment, or proof of payment, of all other fees and taxes applicable to regular motor vehicle, trailer, semitrailer, or pole trailer license plates; and

(4) payment of a $5 additional fee."

Section 97. Section 61-3-423, MCA, is amended to read:

"61-3-423. Rules -- limit of one identical pair of plates for each operator. The department shall ~~make such~~ adopt rules ~~as may be necessary~~ to procure compliance with all the laws of the state regulating the issuance of motor vehicle, trailer, semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole trailers before issuing the lettered license plates. The department ~~shall~~ may not issue more than one identical pair of lettered license plates for any licensed amateur radio station in any one licensing period."

Section 98. Section 61-3-425, MCA, is amended to read:

"61-3-425. Special plates -- how affixed ~~to car~~ -- sale or transfer ~~of auto~~ -- revocation or expiration of radio license. The lettered license plates, as ~~herein~~ provided in 61-3-421 through 61-3-423, are in lieu of the regular license plates on the motor vehicle, trailer, semitrailer, or pole trailer owned by the amateur radio licensee for the period of time that the amateur radio license is in force under the federal communications commission and the special license issued ~~hereunder~~ under 61-3-421 through 61-3-423 is in force, but no longer. If the official amateur radio

license is revoked or expires for any reason, the license plate must be removed immediately by the owner of the motor vehicle, trailer, semitrailer, or pole trailer, and it is the responsibility of the owner to ~~then~~ obtain regular license plates. If the motor vehicle, trailer, semitrailer, or pole trailer is sold or ~~otherwise~~ transferred, the owner and holder of valid official amateur radio station and operator's licenses has the right to transfer the lettered plates to another motor vehicle, trailer, semitrailer, or pole trailer owned by ~~him~~ the holder upon ~~such~~ reasonable conditions ~~as~~ that may be prescribed by the department. On the revocation or expiration of the amateur radio station and operator's licenses, the lettered license plates as issued must be returned and surrendered to the department."

Section 99. Section 61-3-431, MCA, is amended to read:

"61-3-431. Special mobile equipment -- exemption from registration and payment of fees and charges -- identification plate -- special demonstration permit -- publicly owned special mobile equipment. (1) A person, firm, partnership, or corporation ~~who~~ that owns, leases, or rents special mobile equipment, ~~as defined in 61-1-104~~ a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader and that occasionally moves that equipment on, over, or across the highways of the state is not subject to registration of that equipment or required to pay the fees and charges provided for in 61-4-301 through 61-4-308 or ~~part 2 of~~ Title 61, chapter 10, part 2. Prior to movement on the highways:

(a) each piece of equipment must display an equipment identification plate or a dealer's license plate attached to the equipment, except for ~~equipment referred to in 61-1-104(2)~~ motor vehicles or trailers designed and used to apply fertilizer to agricultural land that ~~is~~ are brought into Montana for demonstration purposes;

(b) each ~~piece of equipment referred to in 61-1-104(2)~~ motor vehicle or trailer designed and used to apply fertilizer to agricultural land that is brought into Montana for demonstration purposes must have a special demonstration permit conspicuously displayed.

(2) (a) Annual application for the identification plate must be made to the county treasurer before any piece of equipment is moved on the highways. Application

must be made on a form furnished by the department, together with the payment of a fee of $5. The equipment for which a special mobile equipment plate or for which a special demonstration permit is sought is subject to the assessment of personal property taxes on the date application is made for the plate or the date determined pursuant to subsection (4). The personal property taxes assessed against the special mobile equipment, a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader must be paid before ~~a special mobile equipment~~ an identification plate may be issued. The fees collected under this section must be deposited in the state general fund, except that $25 of the special demonstration permit fee must be remitted to the department of transportation.

(b) Application must be made for a special demonstration permit as provided in subsection (1)(b). The application must be made to the county treasurer or to a weigh station before the piece of equipment is moved on Montana highways. Application for the special demonstration permit must be made on a form furnished by the department and must be accompanied by the payment of a fee of $50.

(3) The identification plate expires on December 31 of each year. If the expired identification plate is displayed, an owner of special mobile equipment, a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader registered under the provisions of this section is entitled to operate the equipment between January 1 and February 15 following expiration without displaying the identification plate or receipt of the current year.

(4) (a) The special demonstration permit expires 45 days after its issuance. Special mobile equipment, a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader that remains in the state past the expiration of the permit is subject to the assessment of personal property taxes, starting on the first day following expiration of the permit.

(b) If the holder of a special demonstration permit leases or sells the piece of equipment during the term that is covered by the permit, the permit is no longer valid and the special mobile equipment, motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or log loader is subject to the assessment of personal property taxes, starting on the first day of the lease or the date of the

sale.

(5) Publicly owned special mobile equipment, motor vehicles or trailers designed and used to apply fertilizer to agricultural land, or log loaders and implements of husbandry used exclusively by an owner in the conduct of the owner's farming operations are exempt from this section."

Section 100. Section 61-3-446, MCA, is amended to read:

"61-3-446. Retention of special license plates. If during a registration year the holder of special license plates issued under 61-3-332(10) or generic specialty license plates issued as provided in 61-3-472 through 61-3-481 disposes of the motor vehicle to which the plates are affixed, the holder may retain the plates and affix them to another vehicle."

Section 101. Section 61-3-448, MCA, is amended to read:

"61-3-448. Commemorative centennial license plates -- continued use and replacement authorized. (1) A person who owns and displays commemorative centennial license plates on a motor vehicle on or before June 30, 1996, may continue to display the commemorative centennial plates on the motor vehicle after that date as long as the plates remain legible or as long as replacement plates are available from the department, whichever is later.

(2) The department shall authorize the continued display of commemorative centennial license plates after June 30, 1996, as provided for in subsection (1), and shall replace commemorative centennial license plates for persons who owned and displayed the plates on or before June 30, 1996, as long as replacement stock owned by the department on October 1, 1993, remains available and usable."

Section 102. Section 61-3-456, MCA, is amended to read:

"61-3-456. Registration of motor vehicle owned and operated by Montana resident on active military duty stationed outside Montana. (1) As an incentive for military service, an owner of a motor vehicle, trailer, semitrailer, or pole trailer who is a Montana resident who entered active military duty from Montana and who is stationed

outside Montana may file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must be sworn to before an officer authorized to administer oaths. The application must state:

(a) the name and address of the owner;

(b) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer; and

(c) that the motor vehicle, trailer, semitrailer, or pole trailer is owned and operated by a Montana resident who meets the qualifications of subsection (1) and is on active military duty and stationed outside Montana.

(2) The registration fee for a motor vehicle, trailer, semitrailer, or pole trailer registered under subsection (1) is as provided in 61-3-311 and 61-3-321.

(3) A motor vehicle, trailer, semitrailer, or pole trailer registered under this section is not subject to:

(a) the taxes described in 61-3-303(5)(b);

(b) assessment under 15-8-202 or 61-3-503, the fee in lieu of tax under 61-3-529, or the registration fee under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562; or

(c) any of the fees provided in part 5 of this chapter."

Section 103. Section 61-3-458, MCA, is amended to read:

"61-3-458. Special plates for military personnel, veterans, and spouses. (1) (a) Active military personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried, may be issued special military or veteran license plates as provided in this section.

(b) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special license plates issued pursuant to this section must be numbered in sets of two with a different number on each set and must be properly displayed as provided in 61-3-301.

(2) (a) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer registration fees and special license plate fees and providing an official certificate from the applicant's unit commander verifying the

individual's eligibility and authorizing the department to issue the plates to the individual, eligible military personnel may be issued one set of special military license plates as provided in this subsection (2).

(b) A member of the Montana national guard who is a state resident may be issued special license plates with a design or decal displaying the letters "NG". However, the member shall surrender the plates to the department when the member becomes ineligible.

(c) A member of the reserve armed forces of the United States who is a state resident may be issued special license plates according to the member's branch of service verified in the application with a design or decal displaying one of the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR (globe and anchor). However, the member shall surrender the plates to the department when the member becomes ineligible.

(d) An active member of the regular armed forces of the United States who is a state resident may be issued special license plates inscribed with a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the member's branch of service verified in the application. However, the member shall surrender the plates to the department upon becoming ineligible.

(3) (a) Upon application, after presenting proper identification and a department of defense form 214 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable motor vehicle, trailer, semitrailer, or pole trailer registration fees under this chapter, subject to the provisions of 61-3-460, an eligible veteran must be issued any set and more than one set of the special license plates provided for in this subsection (3) that the member requests and is eligible to receive.

(b) A veteran may be issued special license plates displaying the letters "DV", which entitles the veteran to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part 3, if the veteran:

(i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as 50% or more disabled because of a service-connected injury; or

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability.

(c) A veteran who has been awarded the purple heart may be issued special license plates with the purple heart decal displaying the words "combat wounded".

(d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued special license plates with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(e) If the veteran was a member of the United States armed forces on December 7, 1941, and during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued special license plates designed to show that the veteran is a survivor of the Pearl Harbor attack.

(f) A person who is a member of the legion of valor may be issued special plates displaying a design or decal depicting the recognized legion of valor medallion.

(g) A veteran may be issued special license plates displaying the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the veteran's service record verified in the application.

(h) A member or a former ~~members~~ member of the Montana national guard eligible to receive a military retirement may be issued special license plates displaying the Montana national guard insignia and the words "National Guard veteran".

(4) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable vehicle registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an eligible veteran, if the spouse has not remarried, may retain the special license plates issued to the deceased veteran, except the special "DV" plates provided for under subsection (3)(b).

(5) For purposes of this section, "veteran" has the meaning provided in

10-2-101."

Section 104. Section 61-3-460, MCA, is amended to read:

"61-3-460. Vehicle registration fee and veterans' cemetery fee waivers. (1) Except as otherwise provided in this section, a person eligible under subsection (2) is exempt from the veterans' cemetery fee provided in 61-3-459 for one set of special veteran license plates and all motor vehicle registration fees imposed by this chapter for one motor vehicle that is not used for commercial purposes.

(2) The following persons are eligible for the waiver provided in subsection (1):

(a) a veteran who was a prisoner of war who presents official documentation from the U.S. department of defense verifying the veteran's status, or the veteran's surviving spouse, if the spouse has not remarried;

(b) a veteran who is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs, or the veteran's surviving spouse, if the spouse has not remarried;

(c) a veteran determined by the U.S. department of veterans affairs to be 50% or more disabled because of a service-connected injury and who has been awarded the purple heart, as verified by official documentation from the U.S. department of veterans affairs and the veteran's military service record issued by the U.S. department of defense, or the veteran's surviving spouse, if the spouse has not remarried, except that the veteran or the surviving spouse shall pay the veterans' cemetery fee as provided for in 61-3-459;

(d) the surviving spouse, if the spouse has not remarried, of a military service member killed while on active duty as verified in official documentation issued by the U.S. department of defense; and

(e) the surviving spouse, if the spouse has not remarried, of a military service member or veteran who died of a service-connected injury or disability as determined by and verified in official documentation from the U.S. department of veterans affairs."

Section 105. Section 61-3-465, MCA, is amended to read:

"61-3-465. Issuance -- application -- additional fee -- disposition. (1) The department shall issue or renew collegiate license plates upon receipt of an application that shows:

(a) compliance with 61-3-303, 61-3-311, and 61-3-312; and

(b) payment to the county treasurer of:

(i) an initial application and manufacturing fee of $5, when required; and

(ii) an annual scholarship donation of $30 for the benefit of the institution named in the application.

(2) Once each month, the county treasurer shall, as provided in 15-1-504, transfer to the ~~department of revenue~~ state the total of the amounts collected for:

(a) the initial application and manufacturing fee for deposit in the state general fund; and

(b) scholarship donations provided for in subsection (1)(b)(ii), along with a schedule showing the number of collegiate license plates issued and the total donations received for the benefit of each institution.

(3) Once each month, ~~the department of revenue shall distribute to the student academic scholarship fund or foundation of each institution~~ an amount equal to the total donations credited to that institution and transferred to the ~~department of revenue~~ state by the county treasurers during the preceding month must be distributed to the student academic scholarship fund or foundation of each institution."

Section 106. Section 61-3-467, MCA, is amended to read:

"61-3-467. Authorization to receive and transmit donations. As provided in 61-3-465 and notwithstanding any other provisions of Title 7, Title 17, or this title:

(1) the county treasurer must receive the annual scholarship donations provided for in 61-3-465 and once each month transmit, as provided in 15-1-504, those donations to the ~~department of revenue~~ state; and

(2) the ~~department of revenue~~ appropriate agency shall accept the annual scholarship donations and once each month distribute the accumulated proceeds to the beneficiary institutions specified by and according to the totals contained in the

county treasurers' reports."

Section 107. Section 61-3-468, MCA, is amended to read:

"61-3-468. Collegiate license plates -- continued use with institution's former name authorized -- replacement. (1) A person who owns and displays on the person's motor vehicle, collegiate license plates that bear the name of an institution that has been renamed by its governing body or as part of the Montana university system reorganization may continue to display on the vehicle the license plate bearing the former name of the institution as long as the plates remain legible or as long as replacement plates are available from the department, whichever is later.

(2) The department may issue or replace a collegiate license plate bearing the former name of an institution, as defined in 61-3-462, as long as replacement stock owned by the department of corrections is available."

Section 108. Section 61-3-474, MCA, is amended to read:

"61-3-474. Responsibility for design of generic specialty license plates -- numbering -- rulemaking -- approval -- registration decal -- listing of plate sponsors. (1) The department shall:

(a) design the background and general format of generic specialty license plates;

(b) in consultation with the department of corrections, determine which license plate processing system is the most efficient and versatile manufacturing method for the production of generic specialty license plates;

(c) use a numbering system for generic specialty license plates that is distinctive from the numbering system required under 61-3-332 or used for collegiate license plates;

(d) adopt rules that prescribe:

(i) the minimum and maximum number of characters that a generic specialty license plate may display;

(ii) the general placement of the sponsor's name, identifying phrase, and graphic; and

(iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

(2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license plates must be approved by the department prior to the manufacture of the plates.

(3) Upon the issuance of generic specialty license plates, the department shall provide registration decals bearing the appropriate county designation as provided in 61-3-332. The registration decal must be affixed to the license plates in use in accordance with instructions by the department.

(4) The department shall maintain a list of the sponsors that have been approved to promote the sale and issuance of generic specialty license plates, the initial distribution date for sale of each sponsored generic specialty license plate, and the donation fee established by the sponsor for each sponsored generic specialty license plate. The department shall, upon request, make copies of this list available to interested members of the public.

(5) The department may, in its discretion, revoke its previous approval of a sponsor's generic specialty license plate sponsorship if:

(a) the sponsor fails to comply with the provisions of 61-3-472 through 61-3-481;

(b) fewer than 400 sets of a sponsor's generic specialty license plate have been sold or renewed in the 12-month period immediately preceding the third anniversary of the date of initial distribution of the sponsored generic specialty license plate; or

(c) the department has reliable information that the sponsor is no longer qualified for sponsorship under 61-3-472 through 61-3-481.

(6) (a) Upon revocation of a sponsor's generic specialty license plate sponsorship status, the issuance and sale of the sponsor's generic specialty license plates must be terminated and a donation fee may not be charged or collected upon registration renewal of a motor vehicle displaying previously issued generic specialty license plates affiliated with that sponsor.

(b) A person who owns a motor vehicle displaying valid generic specialty license plates affiliated with a sponsor whose sponsorship status has been revoked may continue

to display those generic specialty license plates on the person's motor vehicle if the motor vehicle's registration is properly renewed in subsequent years and the plates remain legible.

(c) Following revocation of a sponsor's sponsorship status, the department may not issue duplicates of generic specialty license plates affiliated with that sponsor that are lost, destroyed, or mutilated."

Section 109. Section 61-3-479, MCA, is amended to read:

"61-3-479. Issuance of generic specialty license plates -- qualifications. (1) (a) Except as provided in subsection (1)(b), the department shall issue a set of generic specialty license plates to a person who applies for a particular style of generic specialty license plates and pays the donation fee established by the plate sponsor and the administrative fee required in 61-3-480.

(b) If the sponsor of a generic specialty license plate is not listed on the county collection report published by the ~~department of revenue~~ state and required under 15-1-504 as of the initial distribution date for the sale of the sponsor's plates, the department shall require the sponsor to collect the initial donation fee from~~,~~ and issue a special certificate of registration to~~,~~ a person who is eligible to receive the sponsor's generic specialty license plates. The person shall present the special certificate of registration upon application for the generic specialty license plates.

(2) A set of generic specialty license plates may be issued for any motor vehicle, except a trailer of any size, a motorcycle, or a quadricycle.

(3) (a) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, a person who receives generic specialty license plates is subject to the same rules and laws as those that govern number plates.

(b) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, the department is subject to the same rules and laws that govern the issuance of number plates.

(c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to any maximum issuance or use limitation that may be imposed on number plates.

(4) A person may combine an application for a generic specialty license plate

with an application for a license plate with a design bearing a representation of a wheelchair as the symbol of a person with a disability as provided in 61-3-332(11)."

Section 110. Section 61-3-480, MCA, is amended to read:

"61-3-480. Fees for generic specialty license plates -- disposition. (1) In addition to the other fees and taxes imposed by law, an eligible person who applies for a generic specialty license plate shall pay an administrative fee of $15 and, except as provided in 61-3-479(1)(b), the donation fee specified by the sponsor.

(2) The county treasurer shall, upon receipt of the fees:

(a) deposit $5 of the $15 administrative fee in the county general fund;

(b) notwithstanding any other provisions of Title 7, Title 17, or this title and unless otherwise provided in 61-3-479(1)(b), accept the donation fee paid by the plate purchaser; and

(c) as provided in 15-1-504, once each month, transmit to the ~~department of revenue~~ state for distribution:

(i) $10 of the $15 administrative fee to the state general fund; and

(ii) all donation fees provided for in subsections (1) and (3), along with a schedule showing the number and type of generic specialty license plates issued and total donations received for the benefit of each sponsor of a generic specialty license plate issued or renewed, to each respective sponsor.

(3) If the donation fee is required by a sponsor upon renewal of generic specialty license plates, the fee must be paid to the county treasurer upon renewal of registration and transmitted to the ~~department of revenue~~ state as prescribed in subsection (2).

(4) Once each month, the ~~department of revenue~~ state shall distribute to the generic specialty license plate liaison designated by a sponsor under 61-3-475(1)(c) or 61-3-476(3) an amount equal to the total donations credited to that sponsor and transferred to the department of revenue by the county treasurers during the preceding month."

Section 111. Section 61-3-481, MCA, is amended to read:

"61-3-481. Generic specialty license plates -- restrictions on use. (1) Generic

specialty license plates may be issued by the department in conjunction with the registration of any motor vehicle, except a trailer of any size, a motorcycle, or a quadricycle. The department may not issue generic specialty license plates without the motor vehicle having been registered.

(2) Generic specialty license plates may be used only as the official number plates for a motor vehicle."

Section 112. Section 61-3-501, MCA, is amended to read:

"61-3-501. When motor vehicle taxes and fees are due. (1) Light vehicle registration fees, local option motor vehicle taxes or fees, fees in lieu of tax, and other fees must be paid on the date of registration or reregistration of the motor vehicle.

(2) (a) If the anniversary date for reregistration of a motor vehicle passes while the motor vehicle is owned and held for sale by a licensed new or used car dealer, light vehicle registration fees, local option motor vehicle taxes or fees, or fees in lieu of tax abate on the vehicle properly reported with the county treasurer until the motor vehicle is the subject of a retail sale. After the sale, the purchaser shall pay the pro rata balance of the light vehicle registration fees, local option motor vehicle taxes or fees, or fees in lieu of tax due and owing on the motor vehicle.

(b) A person selling a motor vehicle or trading a motor vehicle to a dealer shall disclose to the purchaser any amount of taxes or fees in lieu of tax that are due or past due on the motor vehicle at the time the person sells a motor vehicle or trades a motor vehicle to a dealer. If the disclosure is not made, the person selling the motor vehicle or trading the motor vehicle to the dealer shall pay the taxes or fees. Taxes or fees in lieu of tax that are due or past due on a motor vehicle at the time that a person sells or trades the motor vehicle to a dealer must be paid by the person who sold or traded the motor vehicle to the dealer, unless the person who purchases the motor vehicle from the dealer agrees in writing to assume the payment of those taxes or fees. This subsection (2)(b) does not apply to fleet motor vehicles, leased motor vehicles, or rental return motor vehicles.

(c) For the purposes of this subsection (2), a retail sale does not include

a transfer between any of the following:

(i) a licensed new motor vehicle or used motor vehicle dealer;

(ii) another licensed new motor vehicle or used motor vehicle dealer;

(iii) a licensed wholesaler; or

(iv) a licensed auto auction.

(3) In the event that a motor vehicle's registration period is changed under 61-3-315, all light vehicle registration fees, local option motor vehicle taxes or fees, fees in lieu of tax, and other fees due must be prorated and paid from the last day of the old period until the first day of the new period in which the motor vehicle is registered. The light vehicle registration fees, local option motor vehicle taxes or fees, fees in lieu of tax, and other fees must be paid from the first day of the new period for a minimum period of 1 year. When the change is to a later registration period, light vehicle registration fees, local option motor vehicle taxes or fees, and other fees must be prorated and paid based on the same tax year as the original registration period. Thereafter, during the appropriate anniversary registration period, each motor vehicle must again be registered or reregistered and all light vehicle registration fees, local option motor vehicle taxes or fees, and other fees must be paid for a 12-month period."

Section 113. Section 61-3-503, MCA, is amended to read:

"61-3-503. Assessment -- definition. (1) Except as provided in 61-3-520 and subsection (4) of this section, the following apply to the taxation of motor vehicles:

(a) For the purposes of imposing the local option motor vehicle tax under 61-3-537, light vehicles subject to the provisions of 61-3-313 through 61-3-316 must be assessed as of the first day of the registration period, using the depreciated value of the manufacturer's suggested retail price as determined in subsection (2).

(b) A lien for taxes and fees due on the motor vehicle occurs on the anniversary date of the registration and continues until the fees and taxes have been paid. If the depreciated value is less than $500, the department shall value the motor vehicle at $500.

(2) (a) Except as provided in subsections (2)(c) and (2)(d), the depreciated

value for the taxation of light vehicles is computed by multiplying the manufacturer's suggested retail price by a percentage multiplier based on the type and age of the light vehicle determined from the following table:

Age of Vehicle	Type of Vehicle			
(in years)	Automobile	Truck	Van	Sport Utility
-1	100%	100%	100%	100%
0	90	96	93	98
1	80	91	86	94
2	69	86	78	90
3	58	80	69	84
4	49	73	60	76
5	41	66	52	67
6	33	57	45	57
7	26	49	38	48
8	21	43	32	39
9	17	37	27	33
10	14	31	22	29
11	12	26	18	25
12	10	22	15	22
13	09	18	13	21
14	09	15	11	19
15	09	13	09	17
16	09	12	09	15

(b) The age for the light vehicle is determined by subtracting the manufacturer's model year of the light vehicle from the calendar year for which the tax is due.

(c) If the value of the light vehicle determined under subsection (2)(a) is $500 or less, the value of the light vehicle is $500 and the value must remain at that amount as long as the light vehicle is registered.

(d) The depreciated value of a light vehicle that is 17 years old or older is computed by depreciating the value obtained for the vehicle at 16 years old, as determined under subsection (2)(a), by 10% a year until a minimum value of $500 is

attained. The value must remain at that amount as long as the light vehicle is registered.

(3) (a) For the purposes of this section, "manufacturer's suggested retail price" means the price suggested by the manufacturer for each given type, style, or model of light vehicle produced and first made available for retail sale by the manufacturer.

(b) The manufacturer's suggested retail price is based on standard equipment of a light vehicle and does not contain price additions or deductions for optional accessories.

(c) When a manufacturer's suggested retail price is unavailable for a motor vehicle, the department shall determine an alternative valuation for the motor vehicle.

(4) The provisions of subsections (1) through (3) do not apply to buses, trucks having a manufacturer's rated capacity of more than 1 ton, truck tractors, motorcycles, motor homes, quadricycles, travel trailers, campers, mobile homes or manufactured homes ~~as those terms are defined in 15-1-101(1)~~."

Section 114. Section 61-3-506, MCA, is amended to read:

"61-3-506. Rules. The department ~~of justice~~ may adopt rules:

(1) for the assessment and collection of ~~taxes and~~ registration fees under ~~61-3-560 through~~ 61-3-321 and 61-3-562, including the proration of fees under 61-3-520, on light vehicles, including criteria for determining the motor vehicle's age;

(2) for the imposition and collection of fees in lieu of tax, including the proration of fees in lieu of tax under 61-3-520, on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including criteria for determining the motor vehicle's age and manufacturer's rated capacity; and

(3) for the administration of fees for trailers, semitrailers, and pole trailers~~, and semitrailers~~, including criteria for determining a trailer's age and weight."

Section 115. Section 61-3-507, MCA, is amended to read:

"61-3-507. Exemption. A motor vehicle, trailer, semitrailer, or pole trailer that is exempt from taxation and registration fees under 15-6-215 or subject to the

provisions of 61-3-520 is exempt from all other taxes and fees generally imposed on a motor vehicle, trailer, semitrailer, or pole trailer by this part."

Section 116. Section 61-3-509, MCA, is amended to read:

"61-3-509. Disposition of fees. All registration fees imposed by ~~61-3-561~~ 61-3-321 ~~from~~ on light vehicles, ~~all registration fees imposed by 61-3-522 from~~ motor homes, ~~all fees in lieu of tax imposed by 61-3-527 from~~ motorcycles, ~~and~~ quadricycles, ~~and all fees imposed by 61-3-529 from~~ buses, motor vehicles having a manufacturer's rated capacity of more than 1 ton, and truck tractors, for which a license is sought and an original application for title that includes a manufacturer's statement of origin is made, must be remitted to the ~~department of revenue~~ state, as provided in 15-1-504, every 30 days. The ~~department of revenue shall credit the~~ payments ~~to~~ must be deposited in the state general fund."

Section 117. Section 61-3-520, MCA, is amended to read:

"61-3-520. Fees on motor vehicles used exclusively in filming motion pictures or television commercials. (1) A motor vehicle, trailer, semitrailer, or pole trailer used exclusively in the filming of motion pictures or television commercials that has been in the state for a period exceeding 180 consecutive days in a calendar year is subject to a registration fee under ~~61-3-560 and 61-3-561~~ 61-3-321 ~~or a fee in lieu of tax~~ as if the motor vehicle, trailer, semitrailer, or pole trailer were not used exclusively for filming motion pictures or television commercials, but the registration fee ~~or fee in lieu of tax~~ must be prorated as provided in subsection (2).

(2) (a) The registration fees ~~or the fees in lieu of tax~~ imposed under subsection (1) must be prorated by dividing the number of days in excess of 180 consecutive days in the calendar year by 365.

(b) Fees on a motor vehicle, trailer, semitrailer, or pole trailer imposed pursuant to this section must be collected as provided in this chapter."

Section 118. Section 61-3-526, MCA, is amended to read:

"61-3-526. Registration of motor homes and travel trailers -- reregistration

by mail allowed. (1) Except for a motor home displaying amateur radio operator license plates as provided in 61-3-421, all registrations of motor homes expire annually on April 30. Application for registration or reregistration must be made to the county treasurer not later than June 15. Reregistration may be made by mail in the manner provided in 61-3-535. If the ownership of a motor home is transferred during the registration year, it must be reregistered as provided by statute.

(2) The owner of a motor home registered under the provisions of this section may operate the ~~vehicle~~ motor home between May 1 and June 15 without displaying the certificate of registration of the current registration year if the owner, during that period, displays upon the motor home the number plates or plate or the registration decal assigned to the motor home for the previous registration year.

(3) A travel trailer that is initially registered under this chapter remains registered unless ownership of the travel trailer is transferred. If ownership is transferred, the new owner shall register the travel trailer as if the travel trailer were being registered for the first time.

(4) The department shall adopt rules to assign a registration period for motor homes that display amateur radio operator license plates."

Section 119. Section 61-3-529, MCA, is amended to read:

"61-3-529. Schedule of fees for buses, motor vehicles having rated capacity of more than 1 ton, and truck tractors -- proration -- exemption. (1) (a) There is a fee in lieu of property tax imposed on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors. The fee is in addition to annual registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer of buses, trucks, or truck tractors that constitute inventory of the dealership.

(2) Subject to the conditions of subsection (4), the owner of a bus, truck with a manufacturer's rated capacity of more than 1 ton, or truck tractor shall pay a fee in lieu of tax based on the age and manufacturer's rated capacity of the motor vehicle according to the following schedule:

Age of Motor Vehicle Rated Capacity (in pounds)

(in years)	16,999 or less	17,000-26,999	27,000-54,999	55,000 or more
1 or less	$117	$167	$284	$375
2	109	150	250	300
3	100	134	220	266
4	92	117	184	242
5	83	109	160	195
6	75	100	134	167
7	66	91	117	147
8	58	83	100	125
9	50	75	92	109
10	41	58	79	92
11-12	33	50	67	76
13-14	28	37	52	61
15-16	25	30	38	47
17-18	18	26	29	36
19-20	13	19	22	26
21 or more	10	12	16	20

(3) The age of the motor vehicle is determined by subtracting the manufacturer's model year of the motor vehicle from the calendar year for which the fee in lieu of tax is due.

(4) (a) The manufacturer's rated capacity for a bus or truck with a manufacturer's rated capacity of more than 1 ton is the manufacturer's rated gross vehicle weight.

(b) The manufacturer's rated capacity for a truck tractor is the manufacturer's rated gross combined weight.

(5) A motor vehicle brought into the state or otherwise used for the exclusive purpose of filming motion pictures or television commercials is exempt from the fee in lieu of tax if the vehicle does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

(6) Except as provided in 61-3-520, the fee in lieu of tax on a motor vehicle

subject to this section that is brought or driven into this state by a nonresident person for hire, compensation, or profit must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year.

(7) (a) The fee in lieu of tax on a motor vehicle subject to this section that is registered in the state for the first time must be prorated as provided in subsection (6).

(b) The fee in lieu of tax on a motor vehicle subject to this section that is reregistered in the state is for a full year.

(8) The fee in lieu of tax may not be refunded."

Section 120. Section 61-3-535, MCA, is amended to read:

"61-3-535. ~~Vehicle~~ Motor vehicle reregistration by mail -- reminder notice and reregistration notice by mail. (1) The department may allow the owner of a motor vehicle, trailer, semitrailer, or pole trailer to renew the registration of a motor vehicle, trailer, semitrailer, or pole trailer by mail when the value, age, length, weight, or other criteria used to determine the tax or fee for a particular type of motor vehicle, trailer, semitrailer, or pole trailer is available to the department by electronic means.

(2) Any mail reregistration procedure developed by the department must include a procedure to facilitate automated handling of mail reregistration and must provide for a written reminder notice by mail to the owner of a motor vehicle, trailer, semitrailer, or pole trailer ~~owner~~ of the requirement to reregister the owner's motor vehicle, trailer, semitrailer, or pole trailer with the county treasurer or to apply for the annual registration decal.

(3) The department shall adopt rules to implement the mail reregistration and registration decal application procedure."

Section 121. Section 61-3-537, MCA, is amended to read:

"61-3-537. Local option motor vehicle tax. (1) A county may impose a local option motor vehicle tax on motor vehicles subject to the registration fee imposed under

~~61-3-560 through~~ 61-3-321(2) or 61-3-562 at a rate of up to 0.7% of the value determined under 61-3-503 or a local flat fee, in addition to the fee imposed under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562.

(2) A local option motor vehicle tax or flat fee is payable at the same time and in the same manner as the fee imposed under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562. The tax or fee is distributed as follows:

(a) 50% to the county; and

(b) the remaining 50% to the county and the incorporated cities and towns within the county, apportioned on the basis of population. The distribution to a city or town is determined by multiplying the amount of money available by the ratio of the population of the city or town to the total county population. The distribution to the county is determined by multiplying the amount of money available by the ratio of the population of unincorporated areas within the county to the total county population.

(3) The governing body of a county may impose, revise, or revoke a local option motor vehicle tax or flat fee if the imposition, revision, or revocation of the tax or fee is approved by the electorate of the county. The imposition, revision, or revocation of the tax or fee is effective on January 1 following its approval by the electorate. The county governing body by resolution may provide for the distribution of the local option motor vehicle tax or flat fee."

Section 122. Section 61-3-562, MCA, is amended to read:

"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules. (1) (a) Except as provided in subsection ~~(1)(c)~~ (1)(b), the owner of a light vehicle 11 years old or older subject to the registration fee, as provided in ~~61-3-561~~ 61-3-321(2), may permanently register the light vehicle upon payment of a ~~$50~~ $87.50 registration fee, the applicable registration and license fees under ~~61-3-321 and~~ 61-3-412, and an amount equal to five times the applicable fees imposed for each of the following:

~~(i) junk vehicle disposal fees under 15-1-122(3)(a);~~

~~(ii) weed control fees under 15-1-122(3)(b);~~

~~(iii)~~(i) the former county motor vehicle computer fees under 61-3-511;

~~(iv)~~(ii) the local option motor vehicle tax or flat fee on vehicles under 61-3-537; and

~~(v)~~(iii) if applicable, special license plate fees under 61-3-332 and renewal fees for personalized plates under 61-3-406~~; and~~

~~(vi) senior citizens and persons with disabilities transportation services fees as provided in 61-3-321(6).~~

~~(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional $2 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the $2 fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.~~

~~(c)~~(b) The following series of license plates may not be used for purposes of permanent registration of a light vehicle:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

(iii) license plates bearing a wheelchair design as a symbol of a person with a disability issued under 61-3-332(11);

(iv) amateur radio operator license plates issued under 61-3-422;

(v) collegiate license plates issued under 61-3-465; and

(vi) generic specialty license plates issued under 61-3-479.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a vehicle that is permanently registered under this section is not subject to additional registration fees ~~under 61-3-561~~ or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall~~:~~

~~(a) distribute the $50 registration fee collected under this section as provided in 61-3-509;~~

~~(b)~~ once each month, remit to the ~~department of revenue~~ state the amounts collected under this section, other than the local option motor vehicle tax or flat

fee, for the purposes of 61-3-321(3) and 61-10-201. The county treasurer shall retain the local option motor vehicle tax or flat fee.

(5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's permanent registration.

(b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and file an application for registration under 61-3-303. ~~(Subsection (1)(b) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)~~"

Section 123. Section 61-3-603, MCA, is amended to read:

"**61-3-603. Penalty for alteration or forgery of certificate of ownership or certificate of title -- assignment.** A person who alters or forges or causes to be altered or forged any motor vehicle, trailer, semitrailer, or pole trailer certificate of ownership or certificate of title or any assignment of a certificate of ownership or certificate of title or who holds or uses any certificate or assignment knowing that the certificate has been altered or forged is guilty of a felony. Upon a conviction of a violation of this section, the offender is subject to a fine of not more than $5,000, to imprisonment for a period of not more than 10 years, or both."

Section 124. Section 61-3-604, MCA, is amended to read:

"**61-3-604. Penalty for altering identification number.** (1) A person who willfully removes or falsifies an identification number of a motor vehicle, trailer, semitrailer, pole trailer, or motor vehicle engine is punishable by a fine of not more than $5,000 or imprisonment in the state prison for a period of not more than 10 years, or both.

(2) Any person or persons, firm, or corporation that sells or offers for sale in this state a motor vehicle, trailer, semitrailer, or pole trailer the original vehicle identification number of which has been destroyed, removed, altered, covered, or defaced, with the exception of motor vehicles, trailers, semitrailers, or pole trailers bearing a state-assigned identification number in accordance with 61-3-107, is

punishable by a fine of not less than $200 or more than $500 and by imprisonment in the county jail for a term of not less than 30 days or more than 180 days. Upon a second or subsequent conviction under this subsection, the punishment shall be imprisonment in the state prison for a term of not less than 1 year or more than 5 years or a fine in an amount not to exceed $50,000, or both."

Section 125. Section 61-3-607, MCA, is amended to read:

"61-3-607. Penalty for tampering with odometer or violating odometer statement requirements. (1) It is unlawful for a person to tamper with the odometer of a motor vehicle. It is considered tampering if a person removes, turns back, or changes the reading on the odometer, except when repairing or replacing a defective odometer and setting it anew to show the true mileage, or if a person sells, offers for sale, uses, installs, or causes to be installed any device that causes the odometer to register a mileage reading other than the true mileage for the purpose of deceiving a prospective purchaser. For purposes of this section, the true mileage is that driven by the motor vehicle as registered by the odometer within the manufacturer's designed tolerance.

(2) A person who purposely or knowingly violates the provisions of 61-3-206 or subsection (1) of this section is punishable by a fine of not more than $5,000 or imprisonment in the state prison for a period of not more than 10 years, or both. If that person is a motor vehicle dealer, the department shall revoke the dealer's license. Action by the department under this subsection must conform to the contested case procedures in Title 2, chapter 4."

Section 126. Section 61-3-701, MCA, is amended to read:

"61-3-701. Out-of-state motor vehicles used in gainful occupation to be registered -- reciprocity. (1) Before a motor vehicle, trailer, semitrailer, or pole trailer that is registered in another jurisdiction may be operated on the highways of this state for hire, compensation, or profit or before the owner or user of the motor vehicle, trailer, semitrailer, or pole trailer uses the motor vehicle, trailer, semitrailer, or pole trailer if the owner or user is engaged in gainful occupation or business enterprise in the state, including highway work, the owner of the motor

vehicle, trailer, semitrailer, or pole trailer shall register the motor vehicle, trailer, semitrailer, or pole trailer at the office of a county treasurer or an authorized agent of the department. Upon satisfactory evidence of ownership submitted to the county treasurer or the department's authorized agent and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by 15-8-201, 15-8-202, 15-24-301, 61-3-529, 61-3-321(2), or 61-3-537, ~~or 61-3-560 and 61-3-561,~~ the treasurer or authorized agent shall enter the motor vehicle, trailer, semitrailer, or pole trailer for registration purposes only on the electronic registry maintained by the department under 61-3-101.

(2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue to the owner of the motor vehicle, trailer, semitrailer, or pole trailer ~~owner~~ a registration receipt and the proper license plates or other identification markers. The license plates or identification markers must at all times be displayed upon the motor vehicle, trailer, semitrailer, or pole trailer when operated or driven upon roads and highways of this state during the registration period indicated on the receipt.

(3) The registration receipt does not constitute evidence of ownership but must be used only for registration purposes. A Montana certificate of title may not be issued for a motor vehicle, trailer, semitrailer, or pole trailer registered under this section.

(4) This section is not applicable to a motor vehicle, trailer, semitrailer, or pole trailer covered by a valid and existing reciprocal agreement or declaration entered into under Montana law."

Section 127. Section 61-3-702, MCA, is amended to read:

"61-3-702. Foreign vehicles to display number plates. All foreign registered and licensed motor vehicles, trailers, semitrailers, or pole trailers shall ~~also~~ carry in plain sight ~~thereon~~ on the motor vehicle, trailer, semitrailer, or pole trailer the license plates or device from ~~such~~ the other state or foreign country."

Section 128. Section 61-3-703, MCA, is amended to read:

"61-3-703. Purpose. Sections 61-3-701 and 61-3-702 ~~shall be~~ are solely for the purpose of taxation, registration, and identification of motor vehicles, trailers, semitrailers, or pole trailers operated in this state that have paid a license fee in another state or foreign country, and ~~otherwise~~ other than as ~~herein~~ specifically set forth ~~shall~~ in 61-3-701 and 61-3-702 may not be construed as a repeal of any laws or parts of laws having to do with the registration or licensing of ~~automobiles~~ motor vehicles, trailers, semitrailers, or pole trailers within the state."

Section 129. Section 61-3-704, MCA, is amended to read:

"61-3-704. Penalty. Any person operating a motor vehicle, trailer, semitrailer, or pole trailer in violation of the intent and purpose of 61-3-701 or 61-3-702 ~~shall be~~ is guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished by a fine of not less than $10 or more than $50, ~~or~~ confined in the county jail for not more than 30 days, or both ~~such fine and imprisonment~~."

Section 130. Section 61-3-707, MCA, is amended to read:

"61-3-707. Foreign vehicles used for transportation in connection with employment. (1) (a) Before a motor vehicle, trailer, semitrailer, or pole trailer that has been assessed a fee pursuant to 15-24-301(4) may be operated in Montana for a calendar quarter, the person responsible for payment of fees shall apply for and obtain a ~~window~~ decal provided by the department.

(b) Decals must be color-coded to distinguish the four quarterly registration periods of the year.

(c) An applicant may purchase a decal for more than one registration quarter at a time by paying the appropriate amount.

(d) There is a $2 fee for each decal, and money collected from this fee must be deposited to the state general fund. The $2 fee is in addition to the registration fee.

(e) A current ~~window~~ decal must be displayed on the lower right-hand corner of the windshield of a motor vehicle and in a conspicuous location on a trailer, semitrailer, or pole trailer.

(2) (a) Before a motor vehicle exempted pursuant to 15-6-217 may be operated in Montana, the person responsible for the motor vehicle shall apply for and obtain a window decal from the county treasurer. The department shall supply the decals to the county treasurers.

(b) An application approved by the department must include a verification from the employer that the person is employed by a Montana health care facility that is located in an area that has been:

(i) designated by the secretary of the federal department of health and human services as a health professional shortage area, as provided in 42 U.S.C. 254(e); or

(ii) determined to have a critical shortage of nurses, as provided in 42 U.S.C. 297n(a)(3).

(c) Decals expire each year on December 31 of the year in which issued, and application for reregistration must be filed with the county treasurer no later than February 15 of each year. Decals must be color-coded to distinguish the year.

(d) A current window decal must be displayed on the lower right-hand corner of the windshield."

Section 131. Section 61-3-708, MCA, is amended to read:

"61-3-708. Cooperative or reciprocal registration -- filing of insurance -- fee. (1) The department may enter into written agreements with agencies of other states to allow for the cooperative or reciprocal state registration of interstate or international motor carriers and authorize the agency of a participating state to:

(a) issue interstate motor carrier registrations, stamps, and permits;

(b) accept filings of insurance, financial responsibility, and orders;

(c) collect and disburse fees;

(d) share and exchange information for audit, reporting, and enforcement purposes; and

(e) perform any other function that the department determines is justified to facilitate the cooperative or reciprocal registration.

(2) (a) The department may impose a fee set by rule on an interstate or international motor carrier for the administration of this section. The fee must be

paid on each motor vehicle, trailer, semitrailer, or pole trailer operated by the motor carrier on the public highways of this state. At the time of initial registration and in each succeeding year, at a time set by the department, the motor carrier shall pay the fee to the department.

(b) The department shall remit the fee to the state treasurer for deposit in the general fund."

Section 132. Section 61-3-709, MCA, is amended to read:

"61-3-709. Identification of ownership of certain large motor vehicles. (1) (a) A person may not operate a motor vehicle, trailer, semitrailer, or pole trailer or combination of motor vehicles, trailers, semitrailers, or pole trailers, except farm motor vehicles, having a gross weight of more than 10,000 pounds upon the highways of the state unless there is displayed on both sides of each motor vehicle, trailer, semitrailer, or pole trailer operated under its own power, either alone or in combination:

(i) the name or trade name and city and state of the person or corporation under whose jurisdiction the motor vehicle, trailer, semitrailer, or pole trailer is being operated; or

(ii) the trade name and department of transportation number of the person or corporation under whose jurisdiction the motor vehicle, trailer, semitrailer, or pole trailer is being operated.

(b) The display of name must be in letters in sharp contrast to the background and in size, shape, and color readily legible in daylight from a distance of 50 feet while the motor vehicle, trailer, semitrailer, or pole trailer is not in motion. The display must be kept and maintained to remain legible. The display may be accomplished either by painting the information on the motor vehicle, trailer, semitrailer, or pole trailer or through the use of a decal or a removable device that is prepared so that it meets the identification and legibility requirements of this section.

(2) This section does not apply to motor vehicles, trailers, semitrailers, or pole trailers being:

(a) transported to dealers from point of manufacture;

(b) transported from one dealer to another;

(c) demonstrated to a prospective buyer; or

(d) delivered to a buyer from a dealer or a manufacturer."

Section 133. Section 61-3-711, MCA, is amended to read:

"61-3-711. Declaration of policy. It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of ~~motor vehicle~~ reciprocal or proportional registration agreements, arrangements, and declarations with other states, provinces, territories, and countries with respect to motor vehicles, trailers, semitrailers, or pole trailers registered in this and ~~such~~ other states, provinces, territories, and countries thus contributing to the economic and social development and growth of this state."

Section 134. Section 61-3-712, MCA, is amended to read:

"61-3-712. Definitions. As used in 61-3-711 through 61-3-733 the following definitions apply:

(1) "Apportionable motor vehicle" means a motor vehicle, trailer, semitrailer, or pole trailer ~~which~~ that is used or intended for use in more than one jurisdiction and that is used for the transportation of persons for hire, compensation, or profit~~,~~ or designed or used primarily for the transportation of property.

(2) "Fleet" means one or more apportionable motor vehicles.

(3) "Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(4) "Legal residence" means a jurisdiction where the person lives or conducts ~~his~~ business. This residence need not be coupled with the intent to live or conduct the business there on a permanent basis. The use of the word "residence" in 61-3-711 through 61-3-733 ~~shall~~ must be confined to the definition given~~,~~ and ~~shall~~ may not be confused with the word "domicile". This definition of "residence" further recognizes that a person may have several residences, but only one domicile.

(5) "Preceding year" means a period of 12 consecutive months fixed by the

department of transportation, which period ~~shall~~ must be within 18 months immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department in fixing the period shall ~~make it~~ conform the period to the terms, conditions, and requirements of any applicable agreement or arrangements for the proportional registration of motor vehicles, trailers, semitrailers, or pole trailers.

(6) (a) "Properly registered", as applied to place of registration, means:

(i) the jurisdiction where the person registering the motor vehicle, trailer, semitrailer, or pole trailer has ~~his~~ the person's legal residence;

(ii) in the case of an apportionable motor vehicle, the jurisdiction in which it is registered if the enterprise in which the motor vehicle, trailer, semitrailer, or pole trailer is used has a place of business ~~therein~~ in the jurisdiction and if the motor vehicle, trailer, semitrailer, or pole trailer is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from the place of business and the motor vehicle, trailer, semitrailer, or pole trailer has been assigned to the place of business; or

(iii) in the case of an apportionable motor vehicle, the jurisdiction where because of an agreement or arrangement between two or more jurisdictions or pursuant to a declaration the motor vehicle, trailer, semitrailer, or pole trailer has been registered as required by that jurisdiction.

(b) In case of doubt or dispute as to the proper place of registration of a motor vehicle, trailer, semitrailer, or pole trailer, the transportation commission shall make the final determination, but in making the determination, the commission may confer with departments of the other jurisdictions affected."

Section 135. Section 61-3-714, MCA, is amended to read:

"61-3-714. Authority for reciprocity agreements, provisions, reciprocity standards. The department of transportation may enter into an agreement or arrangement with the duly authorized representatives of other jurisdictions, granting to motor vehicles, trailers, semitrailers, or pole trailers or to owners of motor vehicles, trailers, semitrailers, or pole trailers ~~which~~ that are properly registered or licensed

in those jurisdictions~~,~~ and for which evidence of compliance is supplied, benefits, privileges, and exemptions from payment, wholly or partially, of any taxes, fees, or other charges imposed upon those motor vehicles, trailers, semitrailers, or pole trailers or owners with respect to the operation or ownership of the motor vehicles, trailers, semitrailers, or pole trailers under the laws of this state. The agreement or arrangement ~~shall~~ must provide that vehicles properly registered or licensed in this state, when operated upon highways of those other jurisdictions, ~~shall~~ must receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to motor vehicles, trailers, semitrailers, or pole trailers properly registered or licensed in the jurisdiction when operated in this state. The agreement or arrangement ~~shall~~ must, in the judgment of the department, be in the best interests and fair and equitable to this state and its citizens determined on the basis and recognition of the benefits ~~which~~ that accrue to the economy of this state from the uninterrupted flow of commerce."

Section 136. Section 61-3-715, MCA, is amended to read:

"61-3-715. Base state registration reciprocity. An agreement or arrangement entered into or a declaration issued under the authority of 61-3-711 through 61-3-733 may contain provisions authorizing the registration or licensing in another jurisdiction of motor vehicles, trailers, semitrailers, or pole trailers located in or operated from a base in ~~such~~ the other jurisdiction~~, which~~ for motor vehicles, trailers, semitrailers, or pole trailers ~~otherwise~~ that would be required to be registered or licensed in this state~~;~~. ~~and in such event the~~ The exemptions, benefits, and privileges extended by ~~such~~ the agreement, arrangement, or declaration ~~shall~~ apply to ~~such~~ motor vehicles, trailers, semitrailers, or pole trailers when properly licensed or registered in ~~such~~ the base jurisdiction."

Section 137. Section 61-3-716, MCA, is amended to read:

"61-3-716. Proportional registration of fleet motor vehicles. (1) If a jurisdiction permits or requires the licensing of fleets of motor vehicles, trailers, semitrailer, or pole trailers in interstate or combined interstate and intrastate

commerce and payment of registration fees, license fees, taxes, or other fixed fees on those motor vehicles, trailers, semitrailers, or pole trailers on an apportionment basis commensurate with and determined by the miles traveled on and the use made of the jurisdiction's highways, as compared with the miles traveled on and the use made of other jurisdiction's highways or any other equitable basis of apportionment, and if the jurisdiction exempts motor vehicles, trailers, semitrailers, or pole trailers registered in any other jurisdiction under this apportionment basis from the requirements of full payment of its own registration, license fees, taxes, or other fixed fees, then the department may, by agreement, adopt exemptions with respect to motor vehicles, trailers, semitrailers, or pole trailers of these fleets, whether owned by residents or nonresidents of this state and regardless of where they are based. An agreement, under the terms, conditions, or restrictions that the department considers proper, may provide that owners of motor vehicles, trailers, semitrailers, or pole trailers operated in interstate or combined interstate and intrastate commerce in this state be permitted to pay registration, license fees, taxes, or other fixed fees on an apportionment basis, commensurate with and determined by the miles traveled on and the use made of the highways of this state as compared with the use made of the highways of other jurisdictions or any other equitable basis of apportionment. This agreement may not authorize or be construed to authorize a motor vehicle, trailer, semitrailer, or pole trailer so registered to be operated in intrastate commerce in this state unless the owner of the motor vehicle, trailer, semitrailer, or pole trailer has been granted intrastate authority or rights by the public service commission if a grant is otherwise required by law.

(2) The department of transportation may adopt rules that it considers necessary to carry out and administer this section, and the registration of fleet motor vehicles, trailers, semitrailers, or pole trailers under 61-3-711 through 61-3-733 is subject to the rights, terms, and conditions granted by or contained in any applicable agreement, arrangement, or declaration made by the department. The department of transportation shall adopt rules providing for a change of registration period for a fleet in a case in which the owner of the fleet requests that the registration period be changed to coincide with the registration period of one or more other fleets in the same ownership."

Section 138. Section 61-3-717, MCA, is amended to read:

"61-3-717. Declarations of extent of reciprocity. In the absence of an agreement or arrangement with another jurisdiction, the department may examine the laws and requirements of the jurisdiction and declare the extent and nature of exemptions, benefits, and privileges to be extended to motor vehicles, trailers, semitrailers, or pole trailers properly registered or licensed in the other jurisdiction~~,~~ or to the owners of the motor vehicles, trailers, semitrailers, or pole trailers ~~which~~ that are in the judgment of the department in the best interests and fair and equitable to this state and its citizens determined on the basis and recognition of the benefits ~~which~~ that accrue to the economy of this state from the uninterrupted flow of commerce."

Section 139. Section 61-3-718, MCA, is amended to read:

"61-3-718. Extension of reciprocal privileges to lessees authorized. An agreement or arrangement entered into or a declaration issued under the authority of 61-3-711 through 61-3-733 may contain provisions under which a leased motor vehicle, trailer, semitrailer, or pole trailer properly registered by the lessor ~~thereof~~ may be entitled, subject to terms and conditions stated ~~therein~~ in the agreement, arrangement, or declaration, to the exemptions, benefits, and privileges extended by ~~such~~ the agreement, arrangement, or declaration."

Section 140. Section 61-3-719, MCA, is amended to read:

"61-3-719. Automatic reciprocity. ~~On and after March 7, 1963, if no~~ If an agreement, arrangement, or declaration is not in effect with respect to another jurisdiction as authorized by 61-3-711 through 61-3-733, any motor vehicle, trailer, semitrailer, or pole trailer properly registered or licensed in ~~such other~~ another jurisdiction~~,~~ and for which evidence of compliance is supplied~~, shall~~ must receive, when operated in this state, the same exemptions, benefits, and privileges granted by ~~such~~ the other jurisdictions to motor vehicles, trailers, semitrailers, or pole trailers properly registered in this state. Reciprocity extended under this ~~subsection shall apply~~ section applies to commercial motor vehicles, trailers, semitrailers, or

pole trailers only when engaged exclusively in interstate commerce."

Section 141. Section 61-3-720, MCA, is amended to read:

"61-3-720. Proportional registration not exclusive. ~~Nothing contained in~~ Sections 61-3-711 through 61-3-733 relating to proportional registration of fleet motor vehicles, trailers, semitrailers, or pole trailers ~~shall~~ may not be construed as requiring any motor vehicle, trailer, semitrailer, or pole trailer to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged, including but not ~~by way of limitation~~ limited to regular registration, temporary registration, or trip permit or registration."

Section 142. Section 61-3-721, MCA, is amended to read:

"61-3-721. Proportional registration of fleet motor vehicles, registration periods, application, fee formula, and payment -- transfer of ownership -- transfer of license plates. (1) An owner of one or more fleets may register and license each fleet for operation in this state by filing an application with the department of transportation. The application must contain the information pertinent to motor vehicle, trailer, semitrailer, or pole trailer registration that is required by the department of transportation.

(2) ~~Each~~ Except as provided in 61-3-318(1) and subsection (6) of this section, each fleet subject to the provisions of 61-3-711 through 61-3-733 must~~, except as provided in 61-3-318(1) and subsection (6) of this section,~~ be registered for an annual registration period based upon the date that the fleet is first registered in this state.

(3) There are four annual registration periods, each of which begins on the first day of a calendar quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September 30, or December 31. The periods are:

(a) January 1 through March 31 1st period

(b) April 1 through June 30 2nd period

(c) July 1 through September 30 3rd period

(d) October 1 through December 31 4th period

(4) Registration of a fleet of apportionable motor vehicles under subsection (2) must be renewed on or before the last day of the month for the designated annual registration period unless a different registration period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous registration of multiple fleets of apportionable motor vehicles in common ownership.

(5) Except as provided in subsection (6), the application for each fleet may be accompanied by a fee payment computed by:

(a) dividing in-state miles by total fleet miles as defined in the applicable agreement, arrangement, or declaration entered into pursuant to 61-3-711 through 61-3-733;

(b) determining the total amount necessary to register each motor vehicle, trailer, semitrailer, or pole trailer in the fleet for which registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and chapter 10, part 2, and the property taxes that are due on the fleet;

(c) multiplying the sum obtained under subsection (5)(b) by the fraction obtained under subsection (5)(a).

(6) (a) Each trailer, ~~and~~ semitrailer, and pole trailer fleet must be registered for a 5-year period based upon the date that the fleet is first registered in this state.

(b) Each trailer, ~~and~~ semitrailer, and pole trailer in the fleet for which registration is requested must be assessed a registration fee ~~equal to five times the amount prescribed by 61-3-321~~ of $82.50.

(c) Each trailer, ~~or~~ semitrailer, or pole trailer must be issued a license plate, a distinctive sticker, or other suitable identification device valid for 5 years from the date of the original application or renewal application.

(d) Registration of a trailer, ~~or~~ semitrailer, or pole trailer must be renewed on or before the last day of the month for the designated 5-year registration period.

(7) Upon the transfer of ownership of a trailer, ~~or~~ semitrailer, or pole trailer, the registration of the trailer, ~~or~~ semitrailer, or pole trailer expires and it is the duty of the transferor to immediately remove the license plates from the trailer

or semitrailer.

(8) (a) If the transferor applies for the registration of another trailer, ~~or~~ semitrailer, or pole trailer at any time during the remainder of the current registration period as shown on the original registration, the transferor may file an application with the department of transportation, accompanied by the original certificate of registration, for the transfer of the license plates. The application for transfer of the license plates must be made by the person or motor carrier in whose name the original license plates to the trailer, ~~or~~ semitrailer, or pole trailer were issued. The use of the license plates is not legal until the proper transfer of license plates has been made.

(b) License plates may be transferred pursuant to this section without transferring ownership of the trailer, ~~or~~ semitrailer, or pole trailer for which the license plates were originally issued.

(c) Upon transfer of the license plates, the registration of the trailer, ~~or~~ semitrailer, or pole trailer from which the license plates were transferred expires. The registration for the trailer, ~~or~~ semitrailer, or pole trailer must be surrendered to the department of transportation with the application for transfer.

(d) License plates issued for a trailer, ~~or~~ semitrailer, or pole trailer under this section may be transferred only to a replacement trailer, ~~or~~ semitrailer, or pole trailer. A license plate fee may not be assessed upon transfer of a license plate.

(9) Applications submitted with fees may be recomputed by the department of transportation. The department of transportation shall furnish a statement showing the overpayment or balance due.

(10) Applications submitted without fees must be computed by the department of transportation. The department of transportation shall furnish a statement showing the amount of fees due."

Section 143. Section 61-3-722, MCA, is amended to read:

"61-3-722. Registration and identification of proportionally registered motor vehicles -- fees -- effect of registration. (1) The department shall register each proportionally registered motor vehicle, trailer, semitrailer, or pole trailer and

issue a license plate or plates, a distinctive ~~sticker~~ decal, or other suitable identification device for each motor vehicle, trailer, semitrailer, or pole trailer described in the application upon payment of the appropriate fees and property taxes, as provided by law, for the application and for the license plates, ~~stickers~~ decals, or devices issued. A fee of $2 must be paid for each license plate, each ~~sticker~~ decal, and each device issued for each proportionally registered motor vehicle, trailer, semitrailer, or pole trailer. A fee of $5 must be paid for each motor vehicle, trailer, semitrailer, or pole trailer receiving temporary registration as authorized by section 704 of the international registration plan of the American association of motor vehicle administrators, adopted in April 1988. A registration card must be issued for each proportionally registered motor vehicle, trailer, semitrailer, or pole trailer. The registration card must, in addition to other information required by chapter 3, show the number of the license, ~~sticker~~ decal, or other device issued for the proportionally registered motor vehicle, trailer, semitrailer, or pole trailer and must be carried in the motor vehicle, trailer, semitrailer, or pole trailer at all times.

(2) Fleet motor vehicles, trailers, semitrailers, or pole trailers registered and identified as fleet motor vehicles are considered fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for intrastate movement or operation, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated in intrastate commerce in this state unless the owner has been granted intrastate authority by the public service commission and unless the motor vehicle, trailer, semitrailer, or pole trailer is being operated in conformity with that authority."

Section 144. Section 61-3-723, MCA, is amended to read:

"61-3-723. Proportional registration not applicable in a single jurisdiction. The right to the privilege and benefits of proportional registration of fleet motor vehicles, trailers, semitrailers, or pole trailers extended by 61-3-711 through 61-3-733~~,~~ or by any contract, agreement, arrangement, or declaration made under the authority ~~thereof~~ of 61-3-711 through 61-3-733~~, shall be~~ is subject to the condition that each fleet motor vehicle, trailer, semitrailer, or pole trailer proportionally

registered under the authority of 61-3-711 through 61-3-733 ~~shall~~ must also be proportionally or otherwise properly registered in at least one other jurisdiction during the period for which it is proportionally registered in this state."

Section 145. Section 61-3-724, MCA, is amended to read:

"61-3-724. Registration of additional fleet motor vehicles. ~~Vehicles~~ Motor vehicles, trailers, semitrailers, or pole trailers acquired by the owner after the commencement of the registration period and subsequently added to a proportionally registered fleet must be proportionally registered by applying the mileage percentage used in the original application for the fleet for the registration period to the regular registration fees due with respect to the motor vehicle, trailer, semitrailer, or pole trailer for the remainder of the registration period."

Section 146. Section 61-3-725, MCA, is amended to read:

"61-3-725. Withdrawal of fleet motor vehicles -- procedure, credits, and accounting. (1) If a motor vehicle, trailer, semitrailer, or pole trailer is withdrawn from a proportionally registered fleet during the period for which it is registered, the owner of the fleet shall notify the department of transportation of that fact on forms prescribed by the department. The department may require the owner to surrender proportional registration cards and other identification devices that have been issued with respect to that motor vehicle, trailer, semitrailer, or pole trailer. If a motor vehicle, trailer, semitrailer, or pole trailer is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed from the service of the registrant, the unused portion of the gross vehicle weight fees paid with respect to that motor vehicle, trailer, semitrailer, or pole trailer must be credited to the proportional registration account of the owner. This unused portion equals the amount paid with respect to the motor vehicle, trailer, semitrailer, or pole trailer when it was first proportionally registered in the registration period, reduced by one-twelfth of the total annual gross vehicle weight fee of the motor vehicle, trailer, semitrailer, or pole trailer for each calendar month and fraction of a month elapsing between the first day of the month of the current

period in which the motor vehicle, trailer, semitrailer, or pole trailer was registered and the date the notice of withdrawal is received by the department. This credit must be applied against liability for additional fees due during the registration period or for additional fees due upon audit under 61-3-728. If a credit is less than $5, it may not be made or entered. ~~In no event~~ A credit may ~~the amount~~ may not be ~~credited~~ taken against fees other than those for the registration period~~, nor may any amount be~~ and is not subject to refund.

(2) If the owner replaces a motor vehicle, trailer, semitrailer, or pole trailer withdrawn from the fleet at the same time as the withdrawal and the replacement motor vehicle, trailer, semitrailer, or pole trailer is of the same or of a lesser weight category than the one withdrawn, the gross vehicle weight fees are transferable to the replacement motor vehicle, trailer, semitrailer, or pole trailer. If the transfer is to a smaller motor vehicle, trailer, semitrailer, or pole trailer, a credit may not be given or entered."

Section 147. Section 61-3-727, MCA, is amended to read:

"**61-3-727. Fleet registration -- denial when no reciprocity.** The department may refuse to accept proportional registration applications for the registration of motor vehicles, trailers, semitrailers, or pole trailers based in~~,~~ another jurisdiction or owned by residents of~~,~~ another jurisdiction if the department finds that the other jurisdiction does not grant similar registration privileges to fleet motor vehicles, trailers, semitrailers, or pole trailers based in or owned by residents of this state."

Section 148. Section 61-3-728, MCA, is amended to read:

"**61-3-728. Preservation of proportional registration records.** An owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of 4 years following the year or period upon which the application is based. Upon request of the department, the owner shall make these records available to the department for audit as to accuracy of computations and payments or pay the reasonable costs of an audit at the owner's home office by an appointed representative of the department. The department may make arrangements

with agencies of other jurisdictions administering motor vehicle, trailer, semitrailer, or pole trailer registration laws for joint audits of the owner."

Section 149. Section 61-3-729, MCA, is amended to read:

"**61-3-729. Relation to other state laws.** The provisions of 61-3-711 through 61-3-733 ~~shall constitute complete~~ are authority for the registration of fleet motor vehicles, trailers, semitrailers, or pole trailers upon a proportional registration basis without reference to or application of any other statutes of this state ~~except as in this section expressly provided~~."

Section 150. Section 61-3-730, MCA, is amended to read:

"**61-3-730. Suspension of reciprocity benefits.** The department may suspend or cancel the exemptions, benefits, or privileges granted under 61-3-711 through 61-3-733 to a person who violates any of the conditions or terms of the agreements, arrangements, or declarations or violates the laws of this state relating to motor vehicles, trailers, semitrailers, or pole trailers~~,~~ or rules ~~lawfully~~ adopted ~~thereunder~~ under those laws."

Section 151. Section 61-3-732, MCA, is amended to read:

"**61-3-732. Continued validity of existing reciprocity agreements.** All reciprocity and proportional registration agreements, arrangements, and declarations relating to motor vehicles, trailers, semitrailers, or pole trailers in force and effect as of March 7, 1963, ~~shall~~ continue in force and effect until specifically amended or revoked as provided by law or by ~~such~~ the agreements, ~~or~~ arrangements, or declarations."

Section 152. Section 61-3-733, MCA, is amended to read:

"**61-3-733. ~~Law~~ Laws supplemental to motor vehicle, trailer, semitrailer, or pole trailer registration ~~law~~ laws.** Sections 61-3-711 through 61-3-732 are supplemental to the motor vehicle, trailer, semitrailer, or pole trailer registration ~~law~~ laws of this state."

Section 153. Section 61-3-736, MCA, is amended to read:

"61-3-736. Assessment of proportionally registered interstate motor vehicle fleets -- payment of fees required for registration. (1) (a) The department of transportation shall determine the fee for the purpose of imposing the fee in lieu of tax as provided in ~~61-3-528 and~~ 61-3-529 on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors and the light vehicle registration fee under ~~61-3-560 and 61-3-561~~ 61-3-321(2) on light vehicles in interstate motor vehicle fleets that are proportionally registered under the provisions of 61-3-711 through 61-3-733. The fee must be apportioned on the ratio of total miles traveled to in-state miles traveled as prescribed by 61-3-721. The fee in lieu of tax or registration fee on interstate motor vehicle, trailer, semitrailer, or pole trailer fleets is imposed upon application for proportional registration and must be paid by the persons who own or claim the fleet or in whose possession or control the fleet is at the time of the application.

(b) With respect to an original application for a fleet that has a situs in Montana for the purpose of the fee in lieu of tax or registration fee under this part or any other provision of the laws of Montana, the fee in lieu of tax or registration fee on fleet motor vehicles, trailers, semitrailers, or pole trailers must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year.

(c) ~~Vehicles~~ Motor vehicles subject to the light vehicle registration fee as part of a fleet under this subsection (1) are not subject to the local option motor vehicle tax or flat fee imposed under 61-3-537 or 61-3-570.

(2) With respect to a renewal application for a fleet, the fee in lieu of tax and the light vehicle registration fee are imposed for a full year. The department of transportation shall prorate the new fee in lieu of tax in 61-3-529 for motor vehicles, trailers, semitrailers, or pole trailers that are proportionally registered, as provided in 61-3-721, and whose annual registration period does not coincide with the calendar year.

(3) ~~Vehicles~~ Motor vehicles, trailers, semitrailers, or pole trailers contained in a fleet for which current fees have been assessed and paid may not be assessed or

charged fees under this section upon presentation to the department of proof of payment of fees for the current registration year. The payment of fleet motor vehicle, trailer, semitrailer, or pole trailer fees in lieu of tax, light vehicle registration fees, and license fees is a condition precedent to proportional registration or reregistration of an interstate motor vehicle, trailer, semitrailer, or pole trailer fleet.

(4) All fees collected on motor vehicle, trailer, semitrailer, or pole trailer fleets under this chapter must be deposited and distributed as provided in 61-3-738."

Section 154. Section 61-3-737, MCA, is amended to read:

"61-3-737. Situs in state of proportionally registered fleets -- collection of fees. (1) For the purposes of this part, any motor vehicle previously registered or that has had application for registration made under the provisions of 61-3-711 through 61-3-733 has a situs in Montana for the purposes of the light vehicle registration fee or the fee in lieu of tax.

(2) The department of transportation shall collect the fleet motor vehicle, trailer, semitrailer, or pole trailer registration fees, fees in lieu of tax, and license fees prescribed in this part."

Section 155. Section 61-4-101, MCA, is amended to read:

"61-4-101. Dealer's license -- types of licenses and terms -- plates -- bonds -- zoning. (1) Except as provided in 61-4-125, a person may not engage in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker of a new motor vehicle or used motor vehicle, new or used recreational vehicle, motor home, trailer (except a trailer having an unloaded weight of less than 500 pounds), travel trailer, semitrailer, pole trailer, motorcycle, quadricycle, or special mobile equipment that is not registered in the person's name, unless the person is the holder of a dealer's license issued by the department under this part.

(2) (a) The department is authorized to issue a dealer's license for one or more specified vehicle types to any person it determines is qualified to hold a license under the provisions of this section. A dealer's license may be issued for, and

restricted to~~,~~ one or more of the following vehicle types:

(i) new motor vehicle;

(ii) used motor vehicle;

(iii) new recreational vehicle, motor home, or travel trailer;

(iv) used recreational vehicle, motor home, or travel trailer;

(v) trailer, semitrailer, pole trailer, or special mobile equipment; or

(vi) motorcycle or quadricycle.

(b) The department shall design and issue dealer and demonstrator plates as provided in 61-4-102 and 61-4-129.

(c) With the exception of a licensed new motor vehicle dealer, a dealer licensed for a particular type of vehicle may sell, trade, or accept on consignment only vehicles of the type for which the license is authorized~~,~~ unless the dealer's license specifically refers to more than one vehicle type, such as a motorcycle or quadricycle license. A new motor vehicle dealer is authorized to sell, trade, or accept on consignment new motor vehicles or used motor vehicles.

(d) Subject to the provisions of 61-4-124, a dealer's license issued by the department is valid until:

(i) voluntarily returned to the department for surrender and cancellation upon the cessation of the dealer's business operations; or

(ii) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor vehicles.

(3) (a) An applicant for a dealer's license shall submit a written application for a dealer's license to the department, specifying the type or types of dealer's license sought. The application must be signed by the applicant and contain a verification by the applicant, under penalty of law, that the information contained in the application is true and correct. Any information provided in the license application process is subject to independent verification by the department or an authorized representative of the department.

(b) After examining a license application and conducting an investigation necessary to verify the information contained in the application and if the department is satisfied that the applicant qualifies for the issuance of a license under the

provisions of this chapter, the department may issue the license. The department may refuse, after examination and investigation, to issue a license to an applicant who is not qualified for licensure or whose prior financial or other activities or criminal record, as determined by the department:

(i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

(ii) poses a threat to the public interest of the state; or

(iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed dealership, wholesaler, or auto auction.

(4) To be qualified for licensure as a dealer, an applicant shall provide to the department the following:

(a) the name under which the applicant intends to conduct business and the name, address, date of birth, and social security number of any person who possesses or will possess an ownership interest in the business for which the license is sought. If the applicant is a corporation, the personal information required in this subsection (4)(a) must be provided for each corporate officer and the person designated by the corporation to manage or oversee the dealership.

(b) for each person subject to the provisions of subsection (4)(a), information concerning whether the person has:

(i) an ownership interest in a vehicle dealership or a wholesaler business in Montana or another jurisdiction and, if so, the name and address of each dealership or wholesaler; and

(ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

(c) the name, address, and telephone number of the insurance carrier from whom the applicant has acquired general liability insurance, naming the department as a certificate holder of the policy, and the name, address, and telephone number of the local insurance agent for the carrier and the applicant's policy number. The insurance must cover any vehicle bearing dealer or demonstrator license plates that is offered

for demonstration or loan to~~,~~ a customer or otherwise operated by~~,~~ a customer in the regular course of the applicant's business and must be for a minimum of 1 year;

(d) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale and of a permanent nonresidential building that will be maintained to store the actual physical or electronic records resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is sought. An applicant may use more than one location to display vehicles for sale if the maximum distance between each display lot does not exceed 200 feet and if the distance between a display lot and the building in which vehicle sales records are stored does not exceed 1,000 feet.

(e) for each geographic location specified in the application, evidence of the applicant's compliance with applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of compliance may be documented by means of a written verification of compliance signed by the authorized representative of the local land use planning or zoning board or the local ~~business permitting~~ business-permitting agency.

(f) a diagram or plat showing the geographic location, lot dimensions, and building and sign placement for the applicant's proposed established place of business, along with two or more photographs of the geographic location, building premises, and sign, as prescribed by the department;

(g) a certification by the applicant that the applicant is a bona fide dealer in new motor vehicles, used motor vehicles, used recreational vehicles, motor homes, travel trailers, trailers, semitrailers, pole trailers, motorcycles, quadricycles, or special mobile equipment;

(h) if the applicant is seeking a new motor vehicle dealer's license:

(i) the name and address of the manufacturer, importer, or distributor with whom the applicant has a written new motor vehicle franchise or sales agreement and the name and make of all motor vehicles to be handled by the applicant;

(ii) the geographic location or locations, specified in writing, upon which the applicant will provide and maintain a permanent building to display and sell new motor vehicles and offer and maintain a bona fide service department for the repair, service,

and maintenance of the motor vehicles; and

(iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter; and

(i) if the applicant is applying for a new recreational vehicle dealer's license, new travel trailer dealer's license, or new motor home dealer's license, certification that the person is recognized by a manufacturer, importer, or distributor as a dealer in new recreational vehicles, new motor homes, or new travel trailers.

(5) If an applicant for a new motor vehicle or used motor vehicle, new or used recreational vehicle, new or used motor home, new or used travel trailer, or trailer dealer's license wants to maintain more than one established place of business, the applicant shall file a separate license application for each proposed place of business and otherwise qualify for licensure at each place separately.

(6) Each application under this section must be accompanied by an application fee of $5 and one or more of the following license fees based on the type of dealer's license being sought:

(a) $25 for a new motor vehicle dealer's license;

(b) $25 for a used motor vehicle dealer's license;

(c) $25 for a new or used recreational vehicle, motor home, or travel trailer dealer's license; or

(d) $25 for a motorcycle or trailer, semitrailer, or pole trailer dealer's license.

(7) The applicant for a dealer's license shall also file with the application a bond of $50,000 for a license as a new motor vehicle dealer, a used motor vehicle dealer, a new or used recreational vehicle, motor home, or travel trailer dealer, or a trailer dealer. Applicants for a motorcycle dealer's license shall file a bond in the sum of $15,000. All bonds must be conditioned that the applicant shall conduct the business in accordance with the requirements of the law. The bond may extend to any other type of dealer license issued to the applicant at the same geographic location if all types of licenses are indicated on the face of the bond. All bonds must be approved by the department, must be filed in its office, and must be renewed annually."

Section 156. Section 61-4-102, MCA, is amended to read:

"61-4-102. Dealer's license numbers -- assignment, numbering, and limitation of dealer plates -- restriction of use -- fees. (1) Upon the licensing of a dealer, the department shall assign to the dealer a distinctive serial license number as a dealer and furnish the dealer with one or more sets of numbered dealer plates in accordance with the provisions of this section.

(2) (a) Dealer plates designed by the department must be similar to the numbered plates furnished to owners of motor vehicles under 61-3-332, but they must bear:

(i) the license number assigned to the dealer;

(ii) an abbreviation for the vehicle type of the dealer's license issued, as follows:

(A) the letter "D" for a new motor vehicle dealer;

(B) the letters "UD" for a used motor vehicle dealer; or

(C) the letters "RV" for a new or used recreational vehicle, motor home, or travel trailer dealer; and

(iii) the actual number of sets of dealer plates issued to the dealer.

(b) Dealer plates may not be issued to a motorcycle or trailer dealer or a wholesaler.

(3) Dealer plates must contain the prefix of the county in which the dealer's established place of business is located, followed by the dealer's license type abbreviation, the dealer's license number, and the number of sets of dealer plates issued to that dealer. For example, new motor vehicle dealer number 4 in Lewis and Clark County would be numbered 5D-4, and if the dealer were issued three sets of dealer plates, they would be numbered consecutively as follows, 5D-4-1, 5D-4-2, and 5D-4-3.

(4) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant for a dealer's license shall pay an annual fee of $25 for each set of numbered dealer plates requested and issued.

(b) The number of dealer plates that may be issued to a dealer must be determined as follows:

(i) a dealer is entitled to one set of dealer plates upon the issuance of an original license or a renewed license;

(ii) an applicant qualified for a license renewal is entitled to additional sets of numbered plates based on the following formula:

(A) 5% of the first 100 motor vehicle sales for the previous year; plus

(B) 3% of the next 100 motor vehicle sales for the previous year; plus

(C) 2% of motor vehicle sales in excess of 200 for the previous year; and

(iii) a dealer is entitled to additional sets of dealer plates during a license term as the dealer's sales incrementally meet or exceed the requirements of the formula established in subsection (4)(b)(ii). However, the aggregate number of sets of dealer plates issued to a dealer under this subsection (4)(b)(iii) may not exceed the combined number allowed under subsections (4)(b)(i) and (4)(b)(ii).

(5) (a) A dealer is authorized to use and display dealer plates on a motor vehicle held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the dealer's spouse, officers, or employees.

(b) For purposes of this subsection (5):

(i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement or the importer's distribution agreement and the term "employees" means persons upon whom the dealer has paid social security taxes as a full-time employee; and

(ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a motor vehicle bearing dealer plates is prima facie evidence that the motor vehicle is offered for bona fide sale by the dealer.

(6) Dealer plates may not be used or displayed on motor vehicles used for hire, lease, or rental.

(7) (a) A dealer is accountable for each set of numbered dealer plates issued and, except as provided in subsection (7)(b), shall file an annual report with the department certifying the disposition of each set of dealer plates assigned to the dealer and specifying the name, address, and occupation of the person primarily using each set of plates.

(b) Upon reassignment of one or more sets of dealer plates to another person, within 15 days of the reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the name, address, and occupation of the person to

whom the plates were assigned.

(8) (a) All numbered dealer plates expire on December 31 of the year of issue and must be renewed annually.

(b) A dealer who files the annual report required under 61-4-124 on or before December 31 of the calendar year may display or use dealer plates assigned and registered for the prior calendar year through the last day of February of the following year, as provided in 61-4-124(5)."

Section 157. Section 61-4-104, MCA, is amended to read:

"61-4-104. Record of purchase or sale. (1) (a) A dealer or wholesaler licensed under 61-4-101 shall keep a book or record of the purchases, sales or exchanges, or receipts for the purpose of sale of used vehicles and a description of the vehicles, together with the date of purchase, sale, or consignment and the name and address of:

(i) the person from whom the dealer or wholesaler acquired the vehicle's ownership or, if consigned, possessory interest in the vehicle;

(ii) the person to whom the dealer or wholesaler assigned the vehicle; and

(iii) a secured party with a perfected security interest in the vehicle to which the dealer or wholesaler's interest is subordinate, if any.

(b) The vehicle description must also include the vehicle identification number and engine number, if any, and must include a statement that a number has been obliterated, defaced, or changed if that has occurred. In the case of a trailer, semitrailer, pole trailer, or special mobile equipment, the record must include the manufacturer's number and other numbers or identification marks that appear on the trailer, semitrailer, pole trailer, or special mobile equipment.

(2) The dealer or wholesaler must also have an assigned certificate of ownership or certificate of title from the owner of the motor vehicle to the dealer or wholesaler from the time the motor vehicle is delivered to the dealer or wholesaler until it has been disposed of by the dealer or wholesaler. It is a violation of this part for a dealer or wholesaler to fail to take assignment of all certificates of ownership, certificates of title, or manufacturer's certificates of origin for motor vehicles acquired by the licensee or to fail to assign the certificate of ownership, certificate

of title, or manufacturer's certificate of origin for motor vehicles sold.

(3) All records required to be kept in accordance with this section, in addition to the required retention of odometer disclosure information under 61-3-206(4), must be physically located and maintained within the building referred to in 61-4-101. An authorized representative of the department, upon presentation of the representative's credentials, may inspect and have access to and copy any records required under this chapter."

Section 158. Section 61-4-109, MCA, is amended to read:

"61-4-109. Privileges incident to license -- withdrawal upon certain conditions. (1) The privileges of a dealer licensed under the provisions of this part to use and display a set of dealer plates or a demonstrator plate on a motor vehicle held for sale by the dealer and to issue a 20-day permit, under the authority of 61-4-111 or 61-4-112, upon the sale of a motor vehicle by the dealer are specifically conditioned on the dealer's satisfaction of the bond requirements of 61-4-101(7) and the general liability insurance coverage requirements of 61-4-123, without interruption or lapse.

(2) If the department is notified or determines that a dealer's bond or general liability insurance has lapsed or been canceled, all dealer plates, demonstrator plates, and 20-day permits assigned or issued to the dealer are subject to immediate withdrawal and confiscation, upon demand, by the department or by a compliance specialist on behalf of the department and may not be returned to the dealer until the bond and general liability insurance requirements have been satisfied.

(3) A dealer whose privileges are withdrawn under this section may otherwise engage in the dealer's business operations during the period of withdrawal.

(4) If the lapse of bond or general liability insurance is not corrected with 30 days, the department may initiate administrative action to suspend or revoke the dealer's license under 61-4-105(2)."

Section 159. Section 61-4-110, MCA, is amended to read:

"61-4-110. Obligation of dealer to pay off liens on motor vehicles accepted in trade or consignment -- duties of dealer and secured party. (1) (a) If a dealer

accepts a motor vehicle in trade from a retail customer as part of the sale of another motor vehicle and there is an outstanding loan balance owing on the traded motor vehicle, the dealer shall remit payment to the secured party to whom the balance on the traded motor vehicle is owed in an amount sufficient to satisfy the perfected security interest on the traded motor vehicle by the earlier of the following dates:

(i) 21 days from the date of acceptance of the motor vehicle in trade; or

(ii) 15 days from the date of the receipt by the dealer of payment in full from the sale of the traded motor vehicle.

(b) If a dealer accepts a motor vehicle from an owner for sale upon consignment and there is an outstanding loan balance owing on the consigned motor vehicle, the dealer shall remit payment to the secured party to whom the balance on the consigned motor vehicle is owed in an amount sufficient to satisfy the perfected security interest on the consigned motor vehicle within 15 days from the date of the receipt by the dealer of payment in full for sale of the consigned motor vehicle.

(2) A secured party who has been paid in full by a dealer in accordance with the terms of this section shall forward to the department a properly executed release within:

(a) 15 business days after the business day on which the funds are received when the funds are in cash, cashier's check, certified check, teller's check, or other certified source of funds;

(b) 18 business days after the business day on which the funds are received when the funds are in the form of a check drawn on a local originating depository institution; or

(c) 21 business days after the business day on which the funds are received when the funds are in the form of a check drawn on a nonlocal originating depository institution.

(3) For purposes of this section, "business day" means a weekday, excluding any weekday upon which a legal holiday falls."

Section 160. Section 61-4-111, MCA, is amended to read:

"61-4-111. Used motor vehicles -- transfer to and from dealers. (1) Except as

provided in 61-4-124(6), a licensed dealer, broker, or wholesaler who intends to resell a used motor vehicle or trailer and who operates the motor vehicle or trailer only for demonstration purposes:

(a) is exempt from registration under 61-3-201(2) when applying for a certificate of title; and

(b) may transfer or receive ownership of a motor vehicle or trailer by use of a dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment sections on a certificate of title has been completed, ownership of the motor vehicle or trailer may not be transferred until an application for a certificate of title has been submitted by the dealer to the department and a new certificate of title has been issued.

(2) Upon the transfer of a used motor vehicle or trailer to a person other than a licensed dealer, broker, or wholesaler, the following acts are required of the dealer on or before the times set forth in this subsection:

(a) Prior to delivery of the motor vehicle or trailer to the purchaser, the dealer shall issue a temporary registration permit for the motor vehicle or trailer and affix the temporary registration permit to the motor vehicle or trailer in a manner prescribed by the department. The temporary registration permit issued by the dealer is valid for 20 days from the date of issuance. There must be imprinted on the temporary registration permit in bold letters the following statement: "IT IS UNLAWFUL TO PLACE LICENSE PLATES UPON THIS MOTOR VEHICLE (OR TRAILER) UNTIL REGISTERED AT THE OFFICE OF THE COUNTY TREASURER". Unless a durable license plate style placard is issued, one copy of the temporary registration permit must be delivered by the dealer to the county treasurer in the manner prescribed in subsection (2)(b)~~,~~ and a copy must be retained by the dealer for the dealer's file. If a durable placard is issued, the dealer shall create and retain the relevant records as prescribed by the department. It is unlawful for the dealer to issue more than one 20-day temporary registration permit for each motor vehicle or trailer sale.

(b) Within 4 working days following the date of delivery of the motor vehicle or trailer, the dealer shall forward to the county treasurer of the county where the purchaser resides:

(i) the assigned certificate of title or, if a certificate of title for the motor vehicle or trailer has not been issued in this state, a copy of the then-current registration receipt or certificate in the dealer's possession;

(ii) an application for a certificate of title executed by the new owner in accordance with the provisions of 61-3-221 and 61-3-322; and

(iii) a copy of the temporary registration permit affixed to the motor vehicle or trailer by the dealer.

(c) Transmission of the documents by the dealer to the county treasurer may be accomplished either by personal delivery or by first-class mail, in which event they are considered to have been delivered at the time of mailing.

(d) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the time set forth in subsection (2)(b) because the certificate of title or registration receipt is lost, is in the possession of third parties, or is in the process of reissuance in this state or elsewhere, the dealer shall comply in all other respects with the provisions of subsection (2)(b) and shall forward the missing document or documents to the county treasurer, either personally or by first-class mail, within 3 days after receipt.

(3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle or trailer is considered to have passed to the purchaser as of the date of the delivery of the motor vehicle or trailer to the purchaser by the dealer~~,~~ and the dealer has no further liability or responsibility with respect to the processing of registration.

(4) Upon receipt from the county treasurer of the documents required under subsection (2), the department shall:

(a) update the electronic record of the title maintained by the department under 61-3-101; or

(b) issue a certificate of title if requested under 61-3-216(2)(f); and

(c) comply with the applicable provisions of Title 61, chapter 3, parts 1 through 3.

~~(5) For purposes of this section, "motor vehicle" includes a trailer as defined in 61-1-111.~~"

Section 161. Section 61-4-112, MCA, is amended to read:

"61-4-112. New motor vehicles -- transfers by dealers. (1) When a motor vehicle dealer transfers a new motor vehicle to a purchaser or other recipient, the dealer shall:

(a) issue and affix a temporary registration permit, as prescribed in 61-4-111(2)(a), for transfers of used motor vehicles and retain a copy of the temporary registration permit or, if a durable license-plate style placard is issued, affix the placard and create and retain all other relevant records prescribed by the department;

(b) within 4 working days following the date of delivery of the new motor vehicle, forward to the county treasurer of the county where the purchaser or recipient resides:

(i) one copy of the temporary registration permit issued under subsection (1)(a) or a copy of the information described in the records concerning a placard;

(ii) an application for a certificate of title with a notice of security interest, if any, executed by the purchaser or recipient; and

(iii) a manufacturer's certificate of origin that shows that the motor vehicle has not previously been registered or owned, except as otherwise provided in this section, by any person other than a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.

(2) Upon receipt from the county treasurer of the documents required under subsection (1), the department shall issue a certificate of title if requested under 61-3-216(2)(f) and otherwise comply with the provisions of Title 61, chapter 3, parts 1 through 3, as applicable."

Section 162. Section 61-4-113, MCA, is amended to read:

"61-4-113. New motor vehicles towed into state to be labeled. (1) Any firm, person, corporation, or association or any of ~~their~~ its employees offering for sale or carrying on the business of selling new motor vehicles in the state of Montana ~~shall be~~ is required to prominently label any motor vehicle ~~which~~ that has been driven under its own power, pushed, towed, or propelled by any other means to sufficiently identify it from other new motor vehicles that have not been driven, pushed, or towed and ~~shall~~

~~be~~ is required to furnish the purchaser of ~~any such~~ the motor vehicle with a certificate, on a printed form to be furnished by the department upon request by ~~such~~ the dealers, showing the actual number of miles the motor vehicle has been driven under its own power and the number of miles the motor vehicle has been pushed, towed, or otherwise propelled upon its own wheels. Any firm, person, corporation, or association or any of ~~their~~ its employees who ~~fails~~ fail to prominently label and issue the certificate or who knowingly issue a certificate that is untrue and calculated to mislead the purchaser ~~is~~ are guilty of a misdemeanor.

(2) The provisions of this section do not apply to motor vehicles during the period of time that ~~such~~ the motor vehicles are used for bona fide demonstrating purposes."

Section 163. Section 61-4-120, MCA, is amended to read:

"61-4-120. Application for auto auction license -- general regulations. (1) A person that takes possession of a motor vehicle owned by another person through consignment, bailment, or any other arrangement for the purpose of selling the motor vehicle to the highest bidder when all buyers are licensed motor vehicle dealers, wholesalers, or wrecking facilities shall file by mail or otherwise in the office of the department a verified application for licensure as an auto auction. The application must be made in the following manner:

(a) Each application and all of the information contained in it must be verified by the department or an authorized representative of the department on a form to be furnished by the department for that purpose. The application must provide the following information:

(i) the name in which the business is to be conducted and the location of premises, including street address, city, county, and state, where records are kept, sales are made, and motor vehicle stock is displayed as an established place of business that displays a sign indicating the firm name and that motor vehicles are offered for sale. The letters on the sign must be clearly visible and readable to the major avenue of traffic at a minimum distance of 150 feet.

(ii) the name and address of all owners or persons having an interest in the

business. In the case of a corporation, the names and addresses of the president and secretary are sufficient.

(iii) a statement that the applicant is authorized to auction used motor vehicles, recreational vehicles, trailers, semitrailers, special mobile equipment, motorcycles, and quadricycles under one license. A licensed auto auction may not auction a new motor vehicle except when authorized by a new motor vehicle manufacturer, importer, distributor, or representative, for the purpose of conducting a closed-factory fleet sale to dispose of new motor vehicles by the franchisor (manufacturer, distributor, or importer) to franchisee purchasers when the purchasers are licensed new motor vehicle dealers purchasing new motor vehicle line-makes authorized by their respective franchise, sales, or distributor agreements. An auto auction licensed under the provisions of this section shall notify and update the department with current fleet sale agreements between the auto auction and franchisor. An auto auction may not conduct a factory fleet sale unless authorized or appointed by a franchisor licensed under part 2 of this chapter.

(b) Each application must be accompanied by a bond of $50,000 and must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. All bonds must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(2) An auto auction's license must be renewed and paid for annually to the department, and an application for relicensure must be filed by January 1 of each year. The fee required for each first-time applicant is $500 and for subsequent renewal applications is $100 each year. Upon receipt of a properly completed application, fee, and bond, the department shall issue the auto auction license and assign an auto auction license number for each applicant in a manner determined by the department. Auto auctions dealing in motor vehicles may sell only to licensed dealers and wholesalers.

(3) Auto auctions that are licensed under this section and that hold a current license number may issue temporary registration permits, which may be displayed and used by a buyer to operate an unregistered motor vehicle purchased from the auto auction. The temporary registration permit is valid for a period of 72 hours from the time of purchase and may be used only for the purpose of driving or transporting a motor vehicle

from the auction premises to the purchaser's established place of business or point of destination. Temporary registration permits must be on a form prescribed by the department and must contain the name, address, and license number of the purchaser, the date of sale, the name, address, license number, and authorized signature of the auto auction, and a description of the motor vehicle, including its serial number. The department shall collect a fee of $10 from the auto auction for each temporary registration permit, and the auto auction may charge a motor vehicle purchaser no more than $10 for the issuance of each temporary registration permit to offset the cost of the temporary registration permit. It is unlawful for the auto auction to issue more than one temporary registration permit for each motor vehicle sale.

(4) A licensed auto auction may apply for and may be authorized by the department to purchase and use license plates of a type and amount approved by the department, upon payment of a fee to the department to offset the cost of production. Licensed auto auctions may use the license plates to transport inventory motor vehicles to and from a point of storage or a point of delivery in this state and to and from the auto auction's place of business, for road testing authorized motor vehicles, or for moving motor vehicles for purposes of repairing, painting, upholstering, polishing, and related activities. One license plate is required to be conspicuously displayed on the rear of the motor vehicle. Auto auctions may appoint designated persons, service stations, or repair garages to use the license plate only when conducting work for the auto auction involving repairing, painting, upholstering, polishing, or performing similar types of work upon a motor vehicle. Upon application for an auto auction license, the applicant, if requesting the license plates, shall submit a sworn affidavit on a form prescribed by the department, listing each authorized person designated by the auction to use the license plates. The auto auction is responsible for reporting any changes to the affidavit within 72 hours after the amendment has occurred. An auto auction licensed under the provisions of this section is liable for the proper use of the license plates, which may not be used for private purposes. The department may revoke an auto auction's 72-hour temporary registration permit and license plate privileges if an auction issues, authorizes the use of, or uses a temporary registration permit or the license plate in violation of the provisions of this section.

(5) (a) Each auto auction shall keep a book or record, in a form and manner subject to approval by the department, of the purchases, sales, or exchanges or the receipts for the purpose of sale of any motor vehicle, a properly completed copy of a temporary registration permit issued to a motor vehicle purchaser, the date of title transfer, and a description of the motor vehicle, together with the name and address of the seller, the purchaser, and the alleged owner or other person from whom the motor vehicle was purchased or received or to whom it was sold or delivered. The description in the case of a motor vehicle must include:

(i) the vehicle identification number and engine number, if any; and

(ii) a statement that a number has been obliterated, defaced, or changed, if it has.

(b) An auto auction licensed under this section shall validate the sale of a motor vehicle through its auction by stamping its name and license number upon the certificate of title at a location on the certificate of title, at the margin in the assignment section as executed between the transferor and transferee. An auto auction's stamp must be legible and may not interfere with the information recorded on the certificate of title between the transferor and transferee. If the certificate of title lacks adequate space for the auto auction to place its stamp, the auction may provide the transferee a copy of the auction invoice bearing the:

(i) name and license number of the auction, along with an indication of the motor vehicle year, make, model, and identification number;

(ii) name, address, and signature of the transferor;

(iii) name, license number, and signature of the transferee; and

(iv) date the motor vehicle was sold through the auction.

(c) The invoice must be attached to the certificate of title and must be presented to the department with any application for title.

(d) An auto auction shall retain, for 5 years, odometer disclosure information, including the name of the owner on the date the auto auction took possession of the motor vehicle, the name of the buyer, the vehicle identification number, and the odometer reading on the date the auto auction took possession of the motor vehicle. The odometer information may be retained in any way that is systematically retrievable and is not

required to be maintained on any special disclosure form. The information may be part of the auction receipt or invoice or be maintained as a portion of a computer database or manual file. An auto auction that executes a transfer of ownership as an agent on behalf of a seller or buyer is liable for providing an odometer disclosure statement for the seller or an odometer disclosure acknowledgment for the buyer under the provisions of 61-3-206."

Section 164. Section 61-4-121, MCA, is amended to read:

"61-4-121. Twenty-day temporary registration permit -- limitation on issuance and transfer -- violation -- penalty. (1) (a) A dealer may not issue more than one 20-day temporary registration permit under 61-4-111 or 61-4-112 for each motor vehicle sale.

(b) A dealer may not transfer 20-day temporary registration permits to another dealer unless the dealer:

(i) notifies the department within 3 days of the transfer;

(ii) identifies to the department the dealer to whom any temporary registration permits have been transferred;

(iii) informs the department of the date of the transfer and the quantity and serial numbers of the transferred temporary registration permits.

(2) A dealer who violates the provisions of subsection (1) is subject to revocation of the privilege to issue 20-day temporary registration permits for a period of time determined by the department."

Section 165. Section 61-4-122, MCA, is amended to read:

"61-4-122. Compliance specialists as peace officers. (1) The department may designate and train civilian employees as compliance specialists within the motor vehicle division. Each compliance specialist is a peace officer whose jurisdiction is limited to enforcement of violations of Title 61, chapter 3, parts 1, 2, 3, 4, and 6, and chapter 4.

(2) As a peace officer, a trained compliance specialist may:

(a) issue citations and make arrests;

(b) issue summonses;

(c) accept bail;

(d) serve warrants of arrest;

(e) make reasonable inspections of a dealer's established place of business and motor vehicle inventory; and

(f) require production of documents relating to the sale, purchase, exchange, or consignment of any motor vehicle currently or previously in a dealer's inventory or displayed for sale by the dealer or relating to any obligation imposed on a dealer under this title.

(3) For purposes of this section, the term "dealer" includes a dealer of any motor vehicle type, a wholesaler, or an auto auction, any of which is subject to licensure by the department under this chapter."

Section 166. Section 61-4-123, MCA, is amended to read:

"61-4-123. Dealer requirements and restrictions. (1) A dealer may not offer for sale, trade, or consignment any motor vehicle type not authorized by the license issued to the dealer by the department or use a dealer or demonstrator plate on a motor vehicle of a type for which the dealer is not licensed.

(2) A dealer may not display at the dealer's established place of business or any approved off-premises sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label required for new motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor vehicles pursuant to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously displayed within the motor vehicle in a fashion that is readily readable by a customer.

(3) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle offered for sale at any geographic location other than that of the dealer's established place of business as listed on the dealer's license.

(4) (a) A dealer may conduct an off-premises display and sale at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if the dealer notifies the department 10 days in advance, on a form prescribed by the department, of the opening date and location of an off-premises

display and sale and obtains a permit from the department. The department may require proof from the dealer that the location proposed for the off-premises display and sale is in compliance with local zoning ordinances. Except for recreational vehicle, motor home, or travel trailer dealers, an off-premises display and sale must be conducted within the county of the dealer's licensed location. The display and sale may not exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays and sales during any 1 calendar year.

(b) A dealer may display one or more motor vehicles inside an airport terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are made, or could be made, at the terminal or mall.

(c) Upon prior written notice to the department, a dealer may display one motor vehicle at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if no actual sales are made, or could be made, at the display location and the display:

(i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes and the motor vehicle is displayed at a location where the event is being held or the program is being promoted; or

(ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly identified business entity and the motor vehicle is displayed on premises owned or leased by the other business entity and where the other entity regularly conducts its business. A display under this subsection (4)(c)(ii) may not exceed 90 days.

(5) If more than one dealer displays motor vehicles and maintains an established place of business at the same geographic location, each dealer shall ensure that all motor vehicle records, office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly identified and attributed to the appropriate dealer.

(6) A dealer shall install and maintain telephone service at the dealer's established place of business. The telephone service must be listed in the directory assistance that applies to the area in which the business is located.

(7) A dealer shall conspicuously post at the dealer's established place of business written notice indicating the regular and customary office hours maintained by the dealer.

(8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that covers any motor vehicle bearing a set of dealer plates or a demonstrator plate that is offered for demonstration or loan to~~,~~ a customer or that otherwise may be operated by~~,~~ a customer in the regular course of the dealer's business operations.

(b) A dealer ~~must~~ shall ensure that the department is named as a certificate holder on any general liability insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of insurance does not occur as a result of cancellation or termination of a previously certified policy.

(c) This subsection (8) does not relieve a dealer of the mandatory motor vehicle liability insurance obligation imposed under chapter 6 of this title.

(9) A dealer shall display at the dealer's established place of business at least one sign stating the name of the business and indicating that motor vehicles are offered for sale, trade, or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and readable to the major avenue of traffic at a minimum distance of 150 feet."

Section 167. Section 61-4-125, MCA, is amended to read:

"61-4-125. Wholesaler's license. (1) (a) The department is authorized to issue a wholesaler's license to any person it determines is qualified to hold a license under the provisions of this section.

(b) A wholesaler is authorized to sell used motor vehicles, used recreational vehicles, used motor homes, used travel trailers, trailers, motorcycles, quadricycles, or special mobile equipment. However, a wholesaler may sell a motor vehicle, recreational vehicle, trailer, motorcycle, quadricycle, or special mobile equipment only to a dealer, an auto auction, or another wholesaler. Retail sale of motor vehicles, recreational vehicles, motor homes, travel trailers, trailers, motorcycles, quadricycles, or special mobile equipment by a wholesaler is not allowed.

(c) A wholesaler's license issued by the department has a term of 1 calendar year, commencing on or after January 1 in the year of issue and expiring on December 31 of the same year.

(d) The department shall design and issue wholesaler demonstrator plates of a similar sequence to demonstrator plates issued to dealers but that conspicuously display the term "wholesaler" or the abbreviation "W".

(2) To qualify for a wholesaler's license, an applicant shall submit a completed application, in a form prescribed by the department, that provides the following:

(a) the name under which the applicant intends to conduct business and the name, address, date of birth, and social security number of any person who possesses or will possess an ownership interest in the business for which the license is sought. If the applicant is a corporation, the personal information required in this subsection (2)(a) must be provided for each corporate officer and the person designated by the corporation to manage or oversee the dealership.

(b) for each person subject to the provisions of subsection (2)(a), information concerning whether the person has:

(i) an ownership interest in a motor vehicle dealership or wholesaler business in Montana or another jurisdiction and, if so, the name and address of each dealership or wholesaler; and

(ii) been found guilty of~~,~~ or pleaded guilty to~~,~~ a felony in this or any other jurisdiction and, if so, the applicant shall provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any judicial proceeding pertaining to the conduct and the name and address of any court in which the matter was heard;

(c) the name, address, and telephone number of the insurance carrier from whom the applicant has acquired general liability insurance, naming the department as a certificate holder under the policy, and the name, address, and telephone number of the local insurance agent for the carrier and the applicant's policy number. The insurance must cover any motor vehicle bearing a wholesaler demonstrator plate that is offered for demonstration or loan to, or otherwise operated by, a customer in the regular course of the applicant's business and must be for a minimum of 1 year.

(d) the street address of the permanent nonresidential building or office where business records will be kept and will be made available for inspection by the department; and

(e) a bond of $50,000 filed with the department on behalf of the applicant. The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must be approved by the department and subject to annual renewal.

(3) The application fee for a wholesaler's license is $5, and the license fee is $25. Both fees must accompany an original or renewal wholesaler's license application.

(4) Wholesalers may not be issued or use dealer plates, as provided in 61-4-102. However, a wholesaler may be issued and is authorized to display and use a wholesaler demonstrator plate on any type of motor vehicle that a wholesaler is authorized to sell. The fee for a wholesaler demonstrator plate is $5. To the extent not inconsistent with this section, use of wholesaler demonstrator plates is otherwise governed by 61-4-129.

(5) (a) A wholesaler's license must be renewed annually, and application for renewal must be filed on or before December 31 of the expiring license term.

(b) To qualify for renewal of a wholesaler's license, a wholesaler shall submit a completed application, in a form prescribed by the department, updating prior submitted information, as originally supplied under subsection (2).

(c) Additionally, the wholesaler shall certify, under penalty of law, that 12 or more motor vehicles of the type authorized under the license were sold by the wholesaler to a dealer, auto auction, or another wholesaler during the expiring license term. A wholesaler who was licensed for less than a full calendar year in the expiring term shall certify, under penalty of law, to the sale of an average of at least one motor vehicle a calendar month~~,~~ or portion of a calendar month~~,~~ during which the expiring license was in effect.

(d) A wholesaler who cannot, under penalty of law, certify the number of motor vehicle sales required under subsection (5)(c) shall pay a fee of $25 in addition to the fees required in subsection (3).

(6) A wholesaler whose completed renewal application has been received by the department on or before December 31 of the expiring license term may, if necessary, operate the business and display wholesaler demonstrator plates under the expired license through the last day of February of the following year."

Section 168. Section 61-4-129, MCA, is amended to read:

"61-4-129. Assignment of demonstrator plates. (1) A dealer or wholesaler may purchase demonstrator plates at a fee of $5 a plate. Demonstrator plates must be issued for each motor vehicle type for which a dealer's license is required under 61-4-102. Demonstrator plates must be designed by the department in a manner that distinguishes demonstrator plates from dealer plates.

(2) (a) New and used motor vehicle, ~~or~~ recreational vehicle, motor home, or travel trailer demonstrator plates may be used on a vehicle displaying a Monroney label or a buyer's guide label, as required by 61-4-123(2), that is:

(i) being demonstrated and offered for sale, for not more than 72 hours when operated by an individual holding a valid operator's license;

(ii) owned by the dealership when operated by an officer or bona fide full-time employee of the dealer or wholesaler and used to transport the dealer's or wholesaler's own tools, parts, and equipment;

(iii) being tested for repair;

(iv) being moved to or from a dealer's place of business for sale;

(v) being moved to or from service and repair facilities before sale; and

(vi) being moved to or from exhibitions within the state, provided the exhibition does not exceed a period of 20 days.

(b) Mobile home and trailer demonstrator plates may be used:

(i) on units being hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer;

(ii) on mobile homes being hauled to a customer's location for setup after sale;

(iii) on travel trailers held for sale to demonstrate the towing capability of the motor vehicle, provided that a dated demonstration permit, valid for not more than 72 hours, is carried with the motor vehicle at all times;

(iv) on any motor vehicle owned by the dealer that is used only to move ~~vehicles~~ mobile homes and travel trailers legally bearing mobile home and travel trailer dealer's license plates of the dealer owning the motor vehicle; and

(v) on units being moved to or from exhibitions within the state, provided the exhibition does not exceed a period of 20 days.

(c) A motor vehicle being operated in accordance with this subsection (2) need only display one demonstrator plate conspicuously on the rear of the motor vehicle.

(3) A dealer who files the annual report required under 61-4-124 on or before December 31 of the calendar year may display or use demonstrator plates assigned and registered for the calendar year through the last day of February of the following year, as provided in 61-4-124(5)."

Section 169. Section 61-4-131, MCA, is amended to read:

"61-4-131. Definitions. As used in ~~61-4-131 through 61-4-137, 61-4-141, and 61-4-150~~ this part, the following definitions apply:

(1) "Broker" means a person engaged in the business of offering to procure or procuring motor vehicles or who represents to the public through solicitation, advertisement, or otherwise that the person is one who offers to procure or procures motor vehicles by negotiating purchases, contracts, sales, or exchanges and who does not store, display, or take ownership of any vehicles for the purpose of selling vehicles.

~~(1)~~(2) "Dealer" includes a new motor vehicle dealer as defined in 61-4-201.

~~(2)~~(3) (a) "Designated family member" means the spouse, child, grandchild, parent, brother, or sister of a dealer who:

(i) in the case of a deceased dealer:

(A) is entitled to inherit the dealer's ownership interest in the dealership under the terms of the dealer's will or under the laws of intestate succession of this state; or

(B) has otherwise been designated in writing by a deceased dealer to succeed the deceased in the motor vehicle dealership; or

(ii) in the case of an incapacitated dealer, has been appointed by a court as

the legal representative of the dealer's property.

(b) The term includes the appointed and qualified personal representative and the testamentary trustee of a deceased dealer.

(4) (a) "Established place of business" means the geographic location upon which a permanent building is located that is actually occupied either continuously or at regular periods by a dealer. A building is actually occupied by a dealer if the dealer's books and records are kept in the building and, except for approved off-premises sales, the dealer's business is transacted within the building.

(b) A dealer's established place of business may also include the geographic location of one or more physical lots upon which vehicles are displayed for sale, as long as the requirements of 61-4-101(4)(d) regulating the distance between display lots and the record keeping building are met.

(c) The geographic location of the permanent building actually occupied by the dealer or the geographic location of the physical lots upon which vehicles are displayed for sale may be identified by street address, legal description, or other reasonably identifiable description, as prescribed by the department.

~~(3) "Motor vehicle" has the same meaning as provided in 61-4-201.~~

~~(4) "New motor vehicle" has the same meaning as provided in 61-4-201.~~

(5) "Parking", when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

(6) "Trailer dealer" means any person, firm, or corporation engaged in whole or in part in the business of buying or selling trailers or semitrailers, with facilities for displaying one or more trailers or semitrailers."

Section 170. Section 61-4-141, MCA, is amended to read:

"61-4-141. Manufacturer's right of first refusal. (1) Regardless of the terms of any franchise agreement, in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor may exercise a right of first refusal to acquire the new motor vehicle dealer's assets or ownership. This may occur if the sale or transfer is conditioned upon either the manufacturer or dealer entering into a dealer agreement

with the proposed new owner or transferee if all the following requirements are met:

(a) the manufacturer or distributor notifies the dealer in writing of the manufacturer's or dealer's intent to exercise the right of first refusal within 60 days of receipt of the dealer's written proposal for sale or transfer;

(b) the dealer and the dealer's owner receive the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;

(c) the proposed sale or transfer of the dealership's assets does not involve the transfer or sale to a member or members of the family of one or more dealer owners or to a qualified manager, partnership, or corporation controlled by a member of the family of a dealer owner; and

(d) the manufacturer or distributor agrees to pay reasonable costs and attorney fees relative to the proposed changes in ownership or transfer of dealership assets. In order for costs and fees to be payable, the dealer shall submit an accounting of the expenses within 20 days of the dealer's receipt of the manufacturer's or distributor's written request for the accounting. The manufacturer or distributor may request the accounting before exercising the manufacturer's or distributor's right of first refusal.

(2) This section does not affect any contractual right of a manufacturer or distributor to charge back to the dealer's account any amount previously credited or paid as a discount incident to the dealer's purchase of the motor vehicles."

Section 171. Section 61-4-143, MCA, is amended to read:

"61-4-143. Unlawful curbstoning of vehicle for sale. (1) Except as provided in 61-4-123, a person may not display or park a motor vehicle offered or posted for sale on real property in which the person does not have a legal interest if the primary purpose of displaying or parking the vehicle on the property is to promote or effect the sale of the vehicle.

(2) This section does not prohibit the display or parking of a motor vehicle offered or posted for sale when:

(a) the display or parking of the motor vehicle is incidental to actual operation

and immediate use of the motor vehicle by the motor vehicle owner;

(b) the motor vehicle owner obtains the written consent of the real property owner, lessee, or agent of the owner or lessee on whose property the motor vehicle is displayed and posts the written consent or a copy of the written consent in the front or rear window of the motor vehicle; or

(c) unless otherwise prohibited by local ordinance, the motor vehicle is displayed on a public street that is adjacent to real property in which the person offering the motor vehicle for sale has a legal interest.

(3) A person who violates subsection (1):

(a) is subject to a written warning for the first violation; and

(b) for a second or subsequent violation, is guilty of a misdemeanor and upon conviction may be fined an amount not less than $250 and not more than $500.

(4) Each violation of subsection (1) is considered a separate offense."

Section 172. Section 61-4-202, MCA, is amended to read:

"61-4-202. License requirements -- fee exemption. (1) A new motor vehicle dealer, manufacturer, distributor, factory branch, distributor branch, importer, or franchiser may not engage in business in Montana except in accordance with the requirements of this part. The provisions of this part do not apply to a public officer engaged in the discharge of official duties or to a trustee, receiver, or other officer acting under the jurisdiction of a court, to financial institutions disposing of repossessed vehicles, or to a person disposing of a personal motor vehicle. The provisions of this part regulating and licensing new motor vehicle dealers, manufacturers, distributors, factory branches, distributor branches, importers, and franchisors apply only to those new motor vehicle dealers, manufacturers, distributors, factory branches, distributor branches, importers, and franchisors of motor vehicles as defined by this part.

(2) (a) A manufacturer, distributor, factory branch, distributor branch, importer, or franchisor transacting business within Montana by offering, selling, trading, consigning, or otherwise transferring a new motor vehicle to a new motor vehicle dealer must be licensed by the state of Montana. The department shall issue licenses

to qualified applicants upon receipt of a license fee in the amount of $15 accompanied by the information required in this section.

(b) A manufacturer, distributor, factory branch, distributor branch, importer, or franchisor of a personal watercraft ~~as defined in 23-2-502~~, a snowmobile ~~as defined in 23-2-601~~, or an off-highway vehicle ~~as defined in 23-2-801~~ is not required to pay the $15 fee required in subsection (2)(a).

(3) The following information, if applicable, must be submitted by an applicant upon forms supplied by the department:

(a) the name and address of the applicant;

(b) the make and model of each new motor vehicle to be franchised;

(c) the name and address of each of the applicant's franchisees within the state; and

(d) the name and address of each factory branch, distributor branch, agent, or representative within the state.

(4) (a) Except as provided in subsection (4)(b), a license may be renewed each year if the applicant is in compliance with the provisions of this part, remits a renewal fee in the amount of $15, and notifies the department of any changes in the information previously supplied.

(b) A manufacturer, distributor, factory branch, distributor branch, importer, or franchisor of a personal watercraft ~~as defined in 23-2-502~~, a snowmobile ~~as defined in 23-2-601~~, or an off-highway vehicle ~~as defined in 23-2-801~~ is not required to pay the $15 fee required in subsection (4)(a) but is required to annually apply to renew its license on a form provided by the department.

(5) (a) A new motor vehicle may not be sold in this state unless either the manufacturer on direct dealership of domestic motor vehicles, the importer of foreign manufactured motor vehicles on direct dealership, or the distributor on indirect dealerships of either domestic or foreign motor vehicles is licensed as provided in this part.

(b) Notwithstanding any other licensing provision contained in Montana law, every new motor vehicle dealer shall obtain a license under part 1 of this chapter.

(c) The obtaining of a license under this part or Title 61, chapter 4, part

1 conclusively establishes that a new motor vehicle dealer, manufacturer, distributor, or importer is subject to the laws of this state regulating new motor vehicle dealers, manufacturers, importers, and distributors.

(d) The provisions of subsection (5)(b) do not apply to dealers of personal watercraft, snowmobiles, or off-highway vehicles licensed under the provisions of Title 23."

Section 173. Section 61-4-204, MCA, is amended to read:

"61-4-204. Filing agreement -- product liability. (1) A franchisee shall, at the time of application for a new motor vehicle dealer license under the provisions of Title 23 or 61-4-101, file with the department a certified copy of the franchisee's written agreement with a manufacturer and a certificate of appointment as dealer or distributor. The certificate of appointment must be signed by an authorized agent of the manufacturer of domestic motor vehicles whenever there is a direct manufacturer dealer agreement or by an authorized agent of the distributor whenever the manufacturer is wholesaling through an appointed distributorship. The certificate must be signed by an authorized agent of the importer of foreign-made vehicles whenever there is a direct importer-dealer agreement or by an authorized agent of the distributor whenever there is an indirect distributor-dealer agreement. The distributor's certificate of appointment must be signed by an authorized agent of the manufacturer of domestically manufactured motor vehicles or by an authorized agent of the manufacturer or importer of foreign-made motor vehicles.

(2) A franchisee need not file a written agreement or certificate of appointment if the manufacturer on direct dealerships or distributor on indirect dealerships or importer on direct dealerships uses the identical basic agreement for all its franchised dealers or distributors in this state and certifies in the certificate of appointment that the blanket agreement is on file and the written agreement with the particular dealer or distributor, respectively, is identical with the filed blanket agreement and that the franchisee has filed with the department one agreement together with a list of franchised dealers or distributors.

(3) A manufacturer, distributor, or importer shall notify the department within

30 days of any revision of or addition to the basic agreement on file or of any franchise supplement to the agreement. Annual renewal of a certificate filed as provided in this section is not required.

(4) A manufacturer shall file with the department a copy of the delivery and preparation obligations required to be performed by a dealer prior to the delivery of a new motor vehicle to a buyer. These delivery and preparation obligations constitute the dealer's only responsibility for product liability as between the dealer and the manufacturer. Any mechanical, body, or parts defects arising from an express or implied warranty of the manufacturer constitute the manufacturer's product or warranty liability only. However, this section may not affect the obligations of new motor vehicle dealers to perform warranty repair and maintenance that may be required by law or contract. Except with regard to household appliances, including but not limited to ranges, refrigerators, and water heaters, in a recreational vehicle~~, as defined in 61-1-132,~~ and except with regard to a truck rated at more than 10,000 pounds gross vehicle weight, the manufacturer shall compensate an authorized dealer for labor, parts, and other expenses incurred by a dealer who performs work to rectify the manufacturer's product or warranty defect or for delivery and preparation obligations at the same rate and time the dealer charges to its retail customers for nonwarranty work of a like kind, based upon a published, nationally recognized, retail flat rate labor time guide manual if the dealer uses the manual as the basis for computing charges for both warranty and retail work.

(5) (a) All claims made by the dealer pursuant to this section for compensation for delivery, preparation, warranty, and recall service, including labor, parts, and other expenses, must be paid by the manufacturer within 30 days of receipt of the claim from the dealer, except that a manufacturer of a motor home~~, as defined in 61-1-130,~~ shall pay any claim within 60 days of receipt from the dealer.

(b) If a claim is disapproved, the dealer must be notified in writing of the grounds for disapproval. A claim that has not been disapproved in writing within 30 days of having been received must be considered approved, and payment is due to the claimant immediately. However, the manufacturer retains the right to audit a claim for a period of 12 months following the payment of the claim.

(c) A claim that has been approved and paid may not be charged back to the dealer unless the manufacturer proves that:

(i) the claim was false or fraudulent;

(ii) the repairs were not properly made; or

(iii) the repairs were not necessary to correct the defective condition.

(d) A manufacturer may not deny a claim or reduce the amount to be reimbursed to the dealer if the dealer has provided reasonably sufficient documentation demonstrating that the dealer performed the services in compliance with the written policies and procedures of the manufacturer.

(e) A franchisor may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims or chargebacks for customer or dealer incentives. An audit of incentive payments may apply only to the 18-month period immediately preceding the date on which the dealer was notified of an impending audit.

(6) The dealer shall furnish the purchaser of a new motor vehicle with a signed copy of the manufacturer's delivery and preparation requirements indicating that each of those requirements has been performed."

Section 174. Section 61-4-208, MCA, is amended to read:

"**61-4-208. Prohibited acts.** (1) A manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of the persons or entities listed may not:

(a) coerce, attempt to coerce, or require a new motor vehicle dealer to:

(i) accept delivery of a new motor vehicle, a part, or an accessory for a new motor vehicle or any other commodity that has not been ordered by the dealer;

(ii) participate in or contribute to any local, regional, or national advertising fund or to participate in or to contribute to contests, giveaways, or other sales devices;

(iii) change location of the dealership or to make substantial alterations to the use or number of franchises or the dealership premises or facilities when to do so would be unreasonable, or without written assurance of a sufficient supply of new motor vehicles that would justify an expansion;

(iv) either establish or maintain exclusive facilities, personnel, or display space or to abandon an existing franchise relationship with another manufacturer that was established before April 8, 1997, when those requirements are not justified by reasonable business considerations;

(v) refrain from participation in the management of, investment in, or acquisition of any other line of new motor vehicle or related products if the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicles and remains in compliance with any reasonable capital standards and facility requirements of the manufacturer; or

(vi) enter into an agreement with a manufacturer, factory branch, distributor, distributor branch, or representative of the listed persons or entities or do any other act unfair to the dealer by:

(A) threatening to cancel or not renew a franchise existing between the manufacturer, factory branch, distributor, distributor branch, or representative of the listed persons or entities and the dealer; or

(B) threatening to withhold, delay, or disrupt the receipt of new motor vehicles or any motor vehicle parts or supplies ordered by the dealer from the manufacturer, factory branch, distributor, distributor branch, importer, or representative or agent of the listed entities;

(b) delay, refuse, or fail to deliver new motor vehicles in a reasonable time in a reasonable quantity relative to the new motor vehicle dealer's facilities and sales potential after accepting an order from a new motor vehicle dealer if the new motor vehicles are publicly advertised as being available for immediate delivery; or

(c) impose unreasonable restrictions on the assertion of legal or equitable rights on the new motor vehicle dealer or franchise regarding transfer; sale; right to renew; termination; discipline; noncompetition covenants; site control, whether by sublease, collateral pledge of lease, or otherwise; or compliance with subjective standards.

(2) There is no violation of subsection (1)(a)(iii) or (1)(b) if a failure on the part of the manufacturer, factory branch, distributor, or distributor branch is

beyond the control of the listed persons or entities.

(3) (a) Except as provided in subsection (3)(b) or (3)(c), a manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of any of these persons or entities may not own or operate, directly or indirectly, a motor vehicle dealership in Montana that is for sale or has been for sale under a franchise agreement with a new motor vehicle dealer in Montana.

(b) If there is no independent person available to own and operate a motor vehicle dealership in a manner that is consistent with the public interest, a manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of any of these persons or entities may own and operate a motor vehicle dealership for a temporary period, not to exceed 1 year, during the transition from one owner of the dealership to another. Approval of the sale may not be unreasonably withheld by the manufacturer.

(c) A manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of any of these persons or entities may own an interest in a motor vehicle dealership but may not operate the dealership unless a manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of any of these persons or entities has a bona fide business relationship with an independent person who is not a franchisor or a franchisor's agent or affiliate, who has made an investment that is subject to loss in the dealership, and who reasonably expects to acquire full ownership of the dealership on reasonable terms and conditions."

Section 175. Section 61-4-301, MCA, is amended to read:

"61-4-301. Permit and transit plates for new motor vehicles being transported by driveaway or towaway methods -- used mobile homes. (1) (a) A person, firm, partnership, or corporation, regularly and lawfully engaged in the transportation of new motor vehicles over the highways of this state from manufacturing or assembly points

to agents of manufacturers and dealers in this state or in other states, territories, or foreign countries or provinces by the driveaway or towaway methods, ~~where~~ when the motor vehicles being driven, towed, or transported by the saddle-mount, towbar, or full-mount methods, or a lawful combination of these methods, will be transported over the highways of the state ~~but~~ only once, may annually apply to the department of justice for a permit to use the highways of this state and shall pay, upon filing the application, a fee of $100. Upon processing of the application, that department shall issue an annual permit to the applicant.

(b) A person moving used mobile homes from a point outside the state to a point inside the state may apply to the department for the permit authorized pursuant to subsection (1)(a).

(2) (a) The permitholder may also apply to the department of justice for five sets of transit plates showing the permit number for identification of the motor vehicles being transported by the permitholder, and the plates or devices may be used on a motor vehicle being driven, towed, or transported by and under the control of the permitholder. The department shall collect the additional sum of $10 for each set of transit plates or devices applied for and issued.

(b) A permitholder may apply for and receive more than five sets of transit plates in a calendar year if the permitholder can demonstrate, to the satisfaction of the department, that additional sets of plates are needed based on the number of trip fees reported in Montana in the previous calendar year. The department shall collect $10 for each additional set of transit plates issued.

(3) The department of justice shall retain the permit and plate fees to defray costs of administering 61-4-301 through 61-4-308.

(4) The permit and transit plates or devices expire on December 31 of each year."

Section 176. Section 61-4-302, MCA, is amended to read:

"61-4-302. One-trip fee in addition to permit and plate fees payable quarterly -- exception. (1) In addition to the permit and plate fees, a permitholder shall pay to the department ~~of justice~~ a one-trip fee of $5 ~~per~~ for each driven motor vehicle. The fee ~~shall~~ must be paid within 15 days after the end of the calendar quarter

upon forms recommended or supplied by that department.

(2) A person moving new or used mobile homes is not subject to the one-trip fee required by subsection (1)."

Section 177. Section 61-4-306, MCA, is amended to read:

"61-4-306. Exemptions from fees. The fees provided for driveaway or towaway transporters ~~shall~~ do not apply to:

(1) motor vehicles regularly used in the hauling of motor vehicles by the truckaway method or to the motor vehicles ~~so~~ being ~~transported~~ hauled;

(2) motor vehicles operated under dealers' licenses or plates;

(3) motor vehicles registerable under any other provisions of law;

(4) any person not issued a driveaway or towaway permit."

Section 178. Section 61-4-307, MCA, is amended to read:

"61-4-307. Display of plates. A motor vehicle or combination of motor vehicles transported over the highways of the state by a permitholder shall display in a prominent position ~~thereon~~ on the motor vehicle the distinctive transit plates or devices, with the towing motor vehicle displaying ~~such~~ the plates or device on the front ~~thereof~~ of the motor vehicle and a towed motor vehicle displaying the plates on the rear ~~thereof~~ of the motor vehicle."

Section 179. Section 61-4-310, MCA, is amended to read:

"61-4-310. Single movement permit -- fee -- limitation -- county treasurer to issue. (1) (a) A motor vehicle~~,~~ subject to license under this title~~,~~ or a mobile home may be moved unladen upon the highways of this state from a point within the state to a point of destination. The county treasurer at the point of the origin of the movement shall issue a special permit for the motor vehicle in lieu of fees required under 61-3-321 and part 2 of chapter 10 of this title upon application presented to the county treasurer in a form provided by the department, upon exhibiting to the county treasurer proof of ownership and evidence that the personal property taxes on the motor vehicle, if any are due, have been paid, and upon payment of a fee of $5. The fee must be forwarded

to the department of revenue for deposit in the state general fund. The permit is not in lieu of fees and permits required under 61-4-301 and 61-4-302.

(b) For purposes of this section, a mobile home is considered unladen when all items are removed except the equipment originally installed by the manufacturer and the personal effects of the owners.

(2) The permit is for the transit of the motor vehicle or mobile home only, and the motor vehicle or mobile home may not at the time of the transit be used for the transportation of any persons, except the driver, or any property for compensation or otherwise and is for one transit only between the points of origin and destination as set forth in the application and shown on the permit.

(3) A junk vehicle being driven or towed to a motor vehicle wrecking facility or a motor vehicle graveyard for disposal is exempt from the provisions of this section. The definitions in 75-10-501 apply to this subsection."

Section 180. Section 61-4-404, MCA, is amended to read:

"61-4-404. Threats prima facie evidence. Any threat, expressed or implied, made directly or indirectly to any dealer by any manufacturer~~,~~ or by any person who is engaged in the business of financing the purchase or sale of motor vehicles and is affiliated with or controlled by any manufacturer~~,~~ that ~~such~~ the manufacturer will cease to sell or will terminate or refuse to enter into a contract to sell motor vehicles to ~~such~~ the dealer unless ~~such~~ the dealer finances the purchase or sale of any ~~such~~ motor ~~vehicle or~~ vehicles only with or through a designated person~~, shall be~~ is presumed to be made at the direction of and with the authority of ~~such~~ the manufacturer. ~~and shall be~~ The threat is prima facie evidence of the fact that ~~such~~ the manufacturer has sold or intends to sell ~~such~~ the motor ~~vehicle or~~ vehicles on the condition or under the agreement prohibited by the provisions of this part."

Section 181. Section 61-4-501, MCA, is amended to read:

"61-4-501. Definitions. For purposes of this part, the following definitions apply:

(1) "Collateral charge" means all governmental charges, including but not

limited to sales tax, property tax, license and registration fees, and fees in lieu of tax.

(2) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle that has not been brought into nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations by the purchaser, any person to whom the motor vehicle is transferred during the duration of an express warranty applicable to the motor vehicle, or any other person entitled by the terms of the warranty to the benefits of its provisions.

(3) "Incidental damage" means incidental and consequential damage as defined in 30-2-715.

(4) "Manufacturer" has the meaning applied to that word in 61-4-201.

(5) (a) "Motor vehicle" means a vehicle, including the nonresidential portion of a motor home ~~as defined in 61-1-130~~, propelled by its own power, designed primarily to transport persons or property upon the public highways, and sold or registered in this state.

(b) The term does not include:

(i) a truck with 10,000 pounds or more gross vehicle weight rating~~.~~; or

(ii) ~~Motor vehicle does not include~~ components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for residential purposes.

(6) "Reasonable allowance for use" is an amount directly attributable to use of the motor vehicle by the consumer and any previous consumers prior to the first written notice of the nonconformity to the manufacturer or its agent and during any subsequent period when the motor vehicle is not out of service because of nonconformity. The reasonable allowance for use must be computed by multiplying the total contract price of the motor vehicle by a fraction having as its denominator 100,000 and having as its numerator the number of miles that the motor vehicle traveled prior to the manufacturer's acceptance of its return.

(7) "Warranty period" means the period ending 2 years after the date of the original delivery to the consumer of a new motor vehicle or during the first 18,000 miles of operation, whichever is earlier."

Section 182. Section 61-4-503, MCA, is amended to read:

"61-4-503. Replacement for nonconformity to warranty. (1) If after a reasonable number of attempts the manufacturer or its agent or authorized dealer is unable, during the warranty period, to conform the new motor vehicle to any applicable express warranty by repairing or correcting any defect or condition that substantially impairs the use and market value or safety of the motor vehicle to the consumer, the manufacturer shall replace it with a new motor vehicle of the same model and style and of equal value, unless for reasons of lack of availability ~~such~~ replacement is impossible, in which case the manufacturer shall replace it with a motor vehicle of comparable market value.

(2) As an alternative to replacement, the manufacturer may accept return of the new motor vehicle from the consumer upon refund to ~~him~~ the consumer of the full purchase price, plus reasonable collateral charges and incidental damages, less a reasonable allowance for the consumer's use of the motor vehicle. The refund ~~shall~~ must be paid to the consumer and to a lienholder, if any, in proportion to their interests."

Section 183. Section 61-4-504, MCA, is amended to read:

"61-4-504. Reasonable number of attempts -- presumption. A reasonable number of attempts to conform a new motor vehicle to the applicable express warranties is presumed to have been made for purposes of 61-4-503(1) if:

(1) the same nonconformity has been subject to repair four or more times by the manufacturer or its agent or authorized dealer during the warranty period but the nonconformity continues to exist; or

(2) the motor vehicle is out of service because of nonconformity for a cumulative total of 30 or more business days during the warranty period after notification of the manufacturer, agent, or dealer."

Section 184. Section 61-4-505, MCA, is amended to read:

"61-4-505. Dealer exemption -- liability to manufacturer. (1) ~~Nothing in this~~ This part ~~imposes~~ does not impose any liability on a dealer or ~~creates~~ create a cause

of action by a consumer against a dealer under 61-4-503.

(2) A dealer is not liable to a manufacturer for any refunds or motor vehicle replacements in the absence of evidence indicating that repairs made by the dealer were carried out in a manner inconsistent with the manufacturer's instructions."

Section 185. Section 61-4-506, MCA, is amended to read:

"61-4-506. Provisions nonexclusive -- applicability of U.C.C. -- defenses. (1) The provisions of this part do not limit the rights or remedies available to a consumer under any other law.

(2) All express warranties arising from the sale of a new motor vehicle are subject to the provisions of Title 30, chapter 2, part 3.

(3) It is an affirmative defense to a claim brought under this part that an alleged nonconformity does not substantially impair the use, market value, or safety of the motor vehicle or that the nonconformity is the result of abuse, neglect, or unauthorized modification or alteration of a motor vehicle by the consumer."

Section 186. Section 61-4-511, MCA, is amended to read:

"61-4-511. Manufacturer's dispute settlement procedure -- certification -- prohibited contents. (1) A manufacturer who has established an informal dispute settlement procedure under the provisions of Title 16, Code of Federal Regulations, part 703 (16 CFR, part 703), as those provisions read on October 1, 1983, shall submit a copy of the procedure to the department of administration. The department of administration shall issue a certificate of approval to a manufacturer whose procedure complies in all respects with the federal regulations and subsection (2). The department of administration shall report to the department of justice all manufacturer's procedures certified. The department of administration may issue subpoenas requiring the attendance of witnesses and the production of records, documents, or other evidence necessary to it in an investigation related to the certification of a manufacturer's informal dispute settlement procedure.

(2) A manufacturer's informal dispute settlement procedure must afford the consumer or the consumer's representative an opportunity to appear and present evidence

in Montana at a location reasonably convenient to the consumer and, further, may not include any practices that:

(a) delay a decision in any dispute beyond 60 days after the date on which the consumer initially resorts to the dispute settlement procedure;

(b) delay performance of remedies awarded in a settlement beyond 10 days after a decision, except that a manufacturer may have 30 days following the date of decision to replace a motor vehicle or make refund to the consumer as provided in 61-4-503;

(c) require the consumer to make the motor vehicle available for inspection by a manufacturer's representative more than once;

(d) fail to consider in decisions any remedies provided by this part; or

(e) require the consumer to take any action or assume any obligation not specifically authorized under the federal regulations referred to in subsection (1)."

Section 187. Section 61-4-519, MCA, is amended to read:

"**61-4-519. Action by arbitrator -- decision.** (1) The arbitrator shall, as expeditiously as possible, but not later than 60 days after the department of administration has accepted a complaint, render a fair decision based on the information gathered and disclose the arbitrator's findings and reasoning to the parties.

(2) The decision must provide appropriate remedies, including but not limited to:

(a) repair of the motor vehicle;

(b) replacement of the motor vehicle with an identical motor vehicle or a comparable motor vehicle acceptable to the consumer;

(c) refund as provided in 61-4-503(2);

(d) any other remedies available under the applicable warranties or 15 U.S.C. 2301 through 2312, as in effect on October 1, 1983; or

(e) reimbursement of expenses and costs to the prevailing party.

(3) The decision must specify a date for performance and completion of all awarded remedies. The department of administration shall contact the prevailing party within 10 working days after the date for performance to determine whether performance has occurred. The parties shall act in good faith in abiding by any decision. In addition,

if the decision is not accepted, the parties shall follow the provisions of Title 27, chapter 5. If it is determined by the court that the appellant has acted without good cause in bringing an appeal of an award, the court, in its discretion, may grant to the respondent costs and reasonable attorney fees."

Section 188. Section 61-4-525, MCA, is amended to read:

"61-4-525. Notice on resale of replaced motor vehicle. A motor vehicle ~~which~~ that is returned to the manufacturer and ~~which~~ that requires replacement or refund may not be sold in the state without a clear and conspicuous written disclosure of the fact that the motor vehicle was returned. The department ~~of justice~~ may prescribe by rule the form and content of the disclosure statement and a procedure by which the disclosure may be removed upon a determination that the motor vehicle is no longer defective."

Section 189. Section 61-5-104, MCA, is amended to read:

"61-5-104. Exemptions. (1) The following persons are exempt from licensure under this chapter:

(a) a person who is a member of the armed forces of the United States while operating a motor vehicle owned by or leased to the United States government and being operated on official business;

(b) a person who is a member of the armed forces of the United States on active duty in Montana who holds a valid license issued by another state and the spouse of the person who holds a valid license issued by another state and who is not employed in Montana, except as a member of the armed forces. If a spouse of a member of the armed forces becomes gainfully employed in Montana, the spouse must be licensed, as required by 61-5-102, within 90 days of becoming employed.

(c) a person on active duty in the armed forces of the United States and in immediate possession of a valid license issued to that person in a foreign country by the armed forces of the United States, for a period of 45 days from the date of the person's return to the United States;

(d) a person who temporarily drives, operates, or moves a road machine, farm

tractor, as defined in 61-9-102, or implement of husbandry for use in intrastate commerce on a highway;

(e) a person who is a locomotive engineer, assistant engineer, conductor, brake tender, railroad utility person, or other member of the crew of a railroad locomotive or train being operated upon rails, including operation on a railroad crossing a public street, road, or highway. A person employed as described in this subsection is not required to display a driver's license to a law enforcement officer in connection with the operation of a railroad ~~locomotive or~~ train within Montana.

(f) a person who temporarily drives, operates, or moves an off-highway vehicle~~, as defined in 23-2-801,~~ on a forest development road in this state, as defined in 61-8-110, that has been designated and approved for off-highway vehicle use by the United States forest service if the person:

(i) is under 16 years of age but at least 12 years of age; and

(ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's possession a certificate showing the successful completion of an off-highway vehicle safety education course approved by the department of fish, wildlife, and parks and is in the physical presence of a person who possesses a license issued under this chapter.

(2) A nonresident who is at least 15 years of age and who is in immediate possession of a valid operator's license issued to the nonresident by the nonresident's home state or country may operate a motor vehicle, except a commercial motor vehicle, in this state.

(3) A nonresident who is in immediate possession of a valid commercial driver's license issued to the nonresident by the nonresident's home jurisdiction, in accordance with the licensing and testing standards of 49 CFR, part 383, may operate a commercial motor vehicle in this state.

(4) A nonresident who is at least 18 years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle is registered in the home state or country of the nonresident.

(5) A driver's license issued under this chapter to a person who enters the

United States armed forces, if valid and in effect at the time that the person enters the service, continues in effect so long as the service continues, unless the license is suspended, revoked, or canceled for a cause as provided by law, and for up to 30 days following the date on which the licensee is honorably separated from the service. During the 30-day period, the license is valid only when the license and the licensee's discharge, separation, leave, or furlough papers are in the licensee's immediate possession."

Section 190. Section 61-5-112, MCA, is amended to read:

"61-5-112. Types and classes of commercial driver's licenses -- classification -- rulemaking -- reciprocity agreements. (1) The department shall adopt rules that it considers necessary for the safety and welfare of the traveling public governing the classification of commercial driver's licenses and related endorsements and the examination of commercial driver's license applicants and renewal applicants. The rules must:

(a) subject to the exceptions provided in this section, comport with the requirements of 49 CFR, part 383, and the medical qualifications of 49 CFR, part 391;

(b) allow for the issuance of a type 2 (intrastate only) commercial driver's license in accordance with medical qualification and visual acuity standards prescribed by the department;

(c) allow for the issuance of a type 2 commercial driver's license to a person who is 18 years of age or older or an operationally restricted type 2 commercial driver's license to a person who is 16 years of age or older;

(d) allow for issuance of a seasonal commercial driver's license based on standards established by the department for the waiver of the knowledge and skills test for a qualified person employed in farm-related service industries who has a good driving record and sufficient prior driving experience;

(e) prescribe the operational and seasonal restrictions for a seasonal commercial driver's license;

(f) prescribe the requirements for the medical statement that must be submitted in order for a person to be qualified for a type 2 commercial driver's license; and

(g) prescribe the minimum standards for certification of a third-party commercial driver testing program and any test waiver under 61-5-118.

(2) The department is authorized to enter into reciprocal agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license because the vehicles are not considered commercial motor vehicles as provided in ~~61-1-134(2)~~ 61-1-101(5)(b)(ii)."

Section 191. Section 61-5-119, MCA, is amended to read:

"61-5-119. Definitions. (1) For the purposes of 61-5-120, "driver rehabilitation specialist" means a person who:

(a) possesses current certification from the association of driver educators for the disabled as a driver rehabilitation specialist; or

(b) (i) provides comprehensive services in the clinical evaluation of the abilities of a person with a disability to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment, motor vehicle modification prescription, and driver education;

(ii) (A) possesses a bachelor's degree in rehabilitation, education, or health and safety~~,~~ in physical, occupational, or recreational therapy~~,~~ or in a related profession; or

(B) has an equivalent of 8 years of experience in driver rehabilitation and education; and

(iii) has at least 1 year of experience in the area of driver evaluation and training for individuals with disabilities.

(2) For the purposes of this chapter, unless the context requires otherwise:

(a) "cancellation" means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to the license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after cancellation; and

(b) "jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or a province or territory

of Canada."

Section 192. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 22.3% of each driver's license fee and 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. ~~The~~ Upon receiving an appropriation, the department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state general fund.

(d) The amount of 20.7% of each driver's license fee and 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of 54.5% of each driver's license fee and 62.5% of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state

general fund.

(g) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit to the department ~~of revenue~~ all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department ~~of revenue~~, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall~~ deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

Section 193. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation -- probationary license -- ignition interlock device allowed on first offense. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not

have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for a first offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall suspend the license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license suspension remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

(3) (a) If the person pays the reinstatement fee required in 61-2-107 and provides the department proof of compliance with an ignition interlock restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a first violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.

(b) If the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the court-imposed ignition interlock restriction by, including but not limited to operating a motor vehicle not equipped with the ignition interlock device, as defined in 61-8-102, tampering with the device,

or removing the device before the period of restriction has expired, the department shall lift the stay and reinstate the license suspension for the remainder of the time period. The department may not issue a probationary driver's license to a person whose license suspension has been reinstated because of violation of an ignition interlock restriction.

(4) (a) Except as provided in subsection (4)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

(5) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802."

Section 194. Section 61-6-102, MCA, is amended to read:

"61-6-102. Definitions. ~~The following words and phrases, when~~ As used in this part, ~~have the meanings respectively ascribed to them in this section except in those instances where~~ unless the context clearly indicates a different meaning, the following definitions apply:

(1) "Judgment" means any judgment that has become final by expiration without appeal of the time within which an appeal might have been perfected or by final affirmation on appeal rendered by a court of competent jurisdiction of any state or of the United States upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use ~~thereof~~ of property, or upon a cause of action on an agreement of settlement for ~~such~~ damages.

(2) "License" means any license, temporary instruction permit, or temporary license issued under the laws of this state pertaining to the licensing of persons

to operate motor vehicles.

(3) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by ~~him~~ the nonresident of a motor vehicle or the use of a motor vehicle owned by ~~him~~ the nonresident in this state.

(4) "Person" means every natural person, firm, partnership, association, or corporation.

~~(4)~~(5) "Proof of financial responsibility" means proof of ability to respond in damages for liability on account of accidents occurring subsequent to the effective date of ~~said~~ the proof of financial responsibility, arising out of the ownership, maintenance, or use of a motor vehicle.

~~(5)~~(6) "State" means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

~~(6) "Ways of this state open to the public" means any highway, road, alley, lane, parking area, or other public or private place adapted and fitted for public travel and in common use by the public.~~"

Section 195. Section 61-6-301, MCA, is amended to read:

"**61-6-301. Required motor vehicle insurance -- family member exclusion.** (1) (a) Except as provided in subsection (1)(b), an owner of a motor vehicle that is registered and operated in Montana by the owner or with the owner's permission shall continuously provide insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by maintenance or use of a motor vehicle~~, as defined in 61-1-102,~~ in an amount not less than that required by 61-6-103, or a certificate of self-insurance issued in accordance with 61-6-143.

(b) Notwithstanding the mandatory motor vehicle liability insurance protection provided for in subsection (1)(a), nothing in this part may be construed to prohibit the exclusion from insurance coverage of a named family member in a motor vehicle liability insurance policy.

(2) A motor vehicle owner who prefers to post an indemnity bond with the department in lieu of obtaining a policy of liability insurance may do so. The bond

must guarantee that any loss resulting from liability imposed by law for bodily injury, death, or damage to property suffered by any person caused by accident and arising out of the operation, maintenance, and use of the motor vehicle sought to be registered must be paid within 30 days after final judgment is entered establishing the liability. The indemnity bond must guarantee payment in the amount provided for insurance under subsection (1).

(3) Any bond given in connection with this section is a continuing instrument and must cover the period for which the motor vehicle is to be registered and operated. The bond must be on a form approved by the commissioner of insurance and must be with a surety company authorized to do business in the state.

(4) It is unlawful for a person to operate a motor vehicle upon ways of this state open to the public as defined in 61-8-101 without a valid policy of liability insurance in effect in an amount not less than that required by 61-6-103 unless the person has been issued a certificate of self-insurance under 61-6-143, has posted an indemnity bond with the department as provided in this section, or is operating a vehicle exempt under 61-6-303."

Section 196. Section 61-8-102, MCA, is amended to read:

"61-8-102. Uniformity of interpretation -- definitions. (1) Interpretation of this chapter in this state must be as consistent as possible with the interpretation of similar laws in other states.

(2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

(a) "authorized emergency vehicle" means a vehicle of the fire department or fire patrol, an ambulance, and an emergency vehicle designated or authorized by the department;

(b) "bicycle" means:

(i) a vehicle propelled solely by human power upon which any person may ride and that has two tandem wheels and a seat height of more than 25 inches from the ground when the seat is raised to its highest position, except scooters and similar devices; or

(ii) a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, and an independent power source providing a maximum of 2 brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement may not exceed 3.05 cubic inches (50 centimeters) regardless of the number of chambers in the power source. The power source may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour (48.28 kilometers an hour) on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.

(c) "business district" means the territory contiguous to and including a highway when within any 600 feet along a highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway;

(d) "controlled-access highway" means a highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or roadway except at the points and in the manner as determined by the public authority having jurisdiction over the highway, street, or roadway;

(e) "crosswalk" means:

(i) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface;

(f) "flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic upon a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This person, except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned vehicular traffic hazard, must be equipped as required by the rules of the Montana department of transportation.

(g) "highway" has the meaning provided in 61-1-101, but includes ways that have been or are later dedicated to public use;

(h) "ignition interlock device" means ignition equipment that:

(i) analyzes the breath to determine blood alcohol concentration;

(ii) is approved by the department pursuant to 61-8-441; and

(iii) is designed to prevent a motor vehicle from being operated by a person who has consumed a specific amount of an alcoholic beverage;

(i) (i) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join one another at or approximately at right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(ii) When a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway must be regarded as a separate intersection. If the intersecting highway also include two roadways 30 feet or more apart, then every crossing of two roadways of the highways must be regarded as a separate intersection.

(j) "local authorities" means every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

(k) "noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and includes but is not limited to the vehicles listed in 61-1-101(5)(b);

(l) "official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic;

(m) "pedestrian" means any person on foot;

(n) "police vehicle" means a vehicle used in the service of any law enforcement agency;

(o) "private road" or "driveway" means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

(p) "residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is primarily improved with residences or residences and buildings in use for business;

(q) "right-of-way" means the privilege of the immediate use of the roadway;

(r) "school bus" has the meaning provided in 20-10-101;

(s) "sidewalk" means that portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use of pedestrians;

(t) "traffic control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed; and

(u) "urban district" means the territory contiguous to and including any street that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-fourth mile or more."

Section 197. Section 61-8-201, MCA, is amended to read:

"**61-8-201. Obedience to traffic control devices -- exception for certain vehicles and funeral processions.** (1) Unless otherwise directed by a peace officer, flag person, crossing guard, or public safety worker, the driver of a vehicle shall obey the instructions of an official traffic control device applicable to the driver's vehicle and placed in accordance with the provisions of this chapter. The driver of an authorized emergency vehicle, a police vehicle, or a highway patrol vehicle and the driver of a motor vehicle in a funeral procession are exempt from obedience to official traffic control devices and flag persons as provided in this chapter.

(2) A provision of this chapter for which traffic control devices or flag persons are required may not be enforced against an alleged violator if at the time and place of the alleged violation an official traffic control device or flag person is not in

proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section of this chapter does not state that official traffic control devices or flag persons are required, the section is effective even though traffic control devices are not erected or in place.

(3) Official traffic control devices or flag persons that are placed or held in position substantially conforming to the requirements of this chapter and the requirements of the uniform system adopted by the department of transportation pursuant to 61-8-202 are presumed to have been placed by an official act or at the discretion of a lawful authority."

Section 198. Section 61-8-210, MCA, is amended to read:

"61-8-210. Display of unauthorized signs, signals, or markings. (1) A person may not place, maintain, or display upon or in view of a highway any unauthorized sign, signal, marking, or device that purports to be or is an imitation of or resembles an official traffic control device, that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any official traffic control device or flag person.

(2) A person may not place or maintain and a public authority may not permit commercial advertising on an official traffic control device on a highway, except for business signs included as a part of official motorist service panels or roadside area information panels approved by the department of transportation.

(3) This section does not prohibit the erection of signs upon private property adjacent to highways that give useful directional information and that are of a type that cannot be mistaken for official signs."

Section 199. Section 61-8-310, MCA, is amended to read:

"61-8-310. When local authorities may and shall alter limits. (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe

limit that:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than 65 miles an hour during the nighttime;

(c) decreases the limit outside an urban district, but not to less than 35 miles an hour; or

(d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or a designated crosswalk~~, as crosswalk is defined in 61-1-209,~~ that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road~~, as defined in 60-1-103~~.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under 61-8-303 for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309."

Section 200. Section 61-8-336, MCA, is amended to read:

"61-8-336. Turning movements and required signals. (1) A person may not turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway

as required by 61-8-333 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless the movement can be made with reasonable safety and until an appropriate signal has been given. A person may not turn a vehicle without giving an appropriate signal in the manner provided in this section.

(2) A signal of intention to turn right or left, other than when passing, must be given continuously during not less than the last 100 feet traveled by the vehicle before turning in any business district, residence district, or urban district ~~as defined in 61-1-408 through 61-1-410~~.

(3) A signal of intention to turn right or left, other than when passing, must be given continuously during not less than the last 300 feet traveled by the vehicle before turning in areas other than those set forth in subsection (2).

(4) A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of a vehicle immediately to the rear when there is opportunity to give the signal."

Section 201. Section 61-8-341, MCA, is amended to read:

"61-8-341. Vehicle entering through highway -- definition. (1) The operator of a vehicle shall stop as required by 61-8-344 at the entrance to a through highway and shall yield the right-of-way to other vehicles that are approaching close enough on the through highway to constitute an immediate hazard. Once the operator has yielded, the operator may proceed and the operators of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle proceeding into or across the through highway.

(2) As used in this section, "through highway" means a highway or portion of a highway at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing and when stop signs are erected as provided in this chapter."

Section 202. Section 61-8-354, MCA, is amended to read:

"61-8-354. Stopping, standing, or parking prohibited in specified

places -- exceptions -- definition. (1) A person may not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, highway patrol officer, or official traffic control device, in any of the following places:

(a) on a sidewalk;

(b) in front of a public or private driveway;

(c) within an intersection;

(d) within 15 feet of a fire hydrant;

(e) on a crosswalk;

(f) within 20 feet of a crosswalk at an intersection;

(g) within 30 feet upon the approach to any flashing beacon, stop sign, or official traffic control device located at the side of a roadway;

(h) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the local authorities indicate a different length by signs or markings;

(i) within 50 feet of the nearest rail of a railroad crossing;

(j) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;

(k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(l) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(m) upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(n) at any place where official traffic control devices prohibit stopping.

(2) A public bus stop may not be established in the areas described in subsections (1)(a) through (1)(c) and (1)(e). Otherwise, this section does not prohibit the establishment of public bus stops and the regulation of their use by the authority having jurisdiction. A bus stop may only be established pursuant to a traffic and engineering study.

(3) A person may not move a vehicle not lawfully under the person's control into a prohibited area or an unlawful distance away from a curb.

(4) As used in this section, "safety zone" means the area or space that is officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone."

Section 203. Section 61-8-371, MCA, is amended to read:

"61-8-371. Operation of motor vehicle or off-highway vehicle below high-water mark on certain state or federal lands prohibited -- exceptions. (1) Except as provided in subsections (2) and (3), a person may not operate a motor vehicle~~, as defined in 61-1-102,~~ or an off-highway vehicle~~, as defined in 23-2-801,~~ below the ordinary high-water mark, as defined in 23-2-301, of class I or class II waters, as defined in 23-2-301, that occurs on state or federal lands or below the ordinary high-water mark of class I waters flowing through private lands, within that portion of the streambed that is covered with water.

(2) A motor vehicle or an off-highway vehicle may be operated below the ordinary high-water mark on state or federal lands on an established road or trail that enters or crosses a stream, but the stream crossing must be by the shortest practical or designated route to the road or trail on the opposite bank.

(3) The prohibition in subsection (1) does not apply to:

(a) off-highway or motor vehicle use that occurs on state or federal land that is designated for off-highway or motor vehicle use below the ordinary high-water mark if the use is in accordance with the requirements of the authorization;

(b) off-highway or motor vehicle use conducted on state or federal land pursuant to and in accordance with a specific written authorization from the appropriate land management agency for that use below the ordinary high-water mark; and

(c) operation of an off-highway vehicle by a nonambulatory person who is using the vehicle for recreational use, as defined in 23-2-301, as long as operation of the vehicle is prudent and minimizes destruction.

(4) The state may authorize the use of a motor vehicle or off-highway vehicle

on state property below the ordinary high-water mark only when the state has determined that the use will have a minimal impact on the streambed and on the fish and wildlife ecology of the stream or river. Federal land management agencies are requested to apply the same criteria when authorizing use of federal land."

NEW SECTION. **Section 204. Definitions.** As used in 61-8-380 through 61-8-384, the following definitions apply:

(1) "Funeral escort vehicle" means a motor vehicle properly equipped pursuant to 61-8-381.

(2) "Funeral lead vehicle" means a motor vehicle, including a funeral hearse that is properly equipped pursuant to 61-8-381, leading and facilitating the movement of a funeral procession.

(3) "Funeral procession" means two or more motor vehicles, one of which is carrying the remains of a deceased person, in the daylight hours, including a funeral lead vehicle and a funeral escort vehicle.

Section 205. Section 61-8-380, MCA, is amended to read:

"61-8-380. Funeral procession right-of-way -- funeral lead vehicle and funeral escort vehicle in funeral procession. (1) Except as provided in subsection (4), pedestrians and operators of motor vehicles shall yield the right-of-way to a motor vehicle that is part of a funeral procession being led by a funeral lead vehicle or a funeral escort vehicle.

(2) After a funeral lead vehicle enters an intersection, the other vehicles in the funeral procession may continue to follow the funeral lead vehicle through the intersection despite any official traffic control device, right-of-way provisions of this chapter, or local ordinance if the operator exercises reasonable care toward any other vehicle or pedestrian. When the funeral lead vehicle arrives at an intersection, it must comply with the requirements of any official traffic control device, right-of-way provision of this chapter, and local ordinance.

(3) Except as provided in subsection (4), a driver of a funeral escort vehicle may direct the drivers of other vehicles in a funeral procession to proceed through

an intersection or to make turns or other movements despite any official traffic control device. The driver of a funeral escort vehicle may direct and control the drivers of vehicles not in a funeral procession, including those in or approaching an intersection, to stop, proceed, or make turns or other movements without regard to an official traffic control device. Persons directing traffic shall comply with the ~~provisions of 61-1-411~~ requirements for a flag person as defined in 61-8-102. However, use of a funeral escort vehicle is not required.

(4) A vehicle in a funeral procession has the right-of-way at intersections regardless of official traffic control devices provided the driver of that vehicle and the drivers of all vehicles in the funeral procession meet all the requirements of ~~61-1-413 through 61-1-415~~ [section 204] and 61-8-380 through 61-8-384, except that an operator of a vehicle in a funeral procession shall yield the right-of-way to an approaching authorized emergency vehicle giving an audible or visual signal or when directed to do so by a highway patrol officer or police officer. This section does not relieve the driver of a vehicle in a funeral procession from the duty to drive with due regard for the safety of all persons using the highway."

Section 206. Section 61-8-383, MCA, is amended to read:

"61-8-383. Vehicles not in funeral procession. The driver of a vehicle that is not part of a funeral procession may not:

(1) drive between the vehicles forming a funeral procession while they are in motion except when:

(a) authorized to do so by a police officer; or

(b) driving an authorized emergency vehicle emitting an audible or visible signal;

(2) join a funeral procession to secure the right-of-way granted by 61-8-380;

(3) pass a funeral procession on a multiple-lane highway on the funeral procession's right side unless the funeral procession is in the farthest left lane;

(4) enter an intersection, even if the driver is facing a green traffic control signal, when a funeral procession being conducted in compliance with ~~61-1-413 through 61-1-415~~ [section 204] and 61-8-380 through 61-8-384 is proceeding through a red traffic

control signal at that intersection as permitted by 61-8-380 unless the driver can do so without crossing the path of the funeral procession. If the red signal changes to green while the funeral procession is within the intersection, the driver of a vehicle facing a green signal may proceed subject to the right-of-way of a vehicle participating in a funeral procession."

Section 207. Section 61-8-384, MCA, is amended to read:

"61-8-384. Liability. The operator of a vehicle in a funeral procession, including a funeral lead vehicle or ~~an~~ a funeral escort vehicle, is not negligent if ~~he~~ the person operates the vehicle in accordance with the requirements of ~~61-1-413 through 61-1-415~~ [section 204] and 61-8-380 through 61-8-384. When no negligence exists on the part of the operator of a vehicle in a funeral procession, none may be imputed to the funeral director or mortician organizing the procession, to the agent of the funeral director or mortician, or to a member of a local law enforcement agency acting as the agent, with or without compensation, of the funeral director or mortician."

Section 208. Section 61-8-401, MCA, is amended to read:

"61-8-401. Driving under influence of alcohol or drugs -- definitions. (1) It is unlawful and punishable, as provided in 61-8-442, 61-8-714, and 61-8-731 through 61-8-734, for a person who is under the influence of:

(a) alcohol to drive or be in actual physical control of a vehicle upon the ways of this state open to the public;

(b) a dangerous drug to drive or be in actual physical control of a vehicle within this state;

(c) any other drug to drive or be in actual physical control of a vehicle within this state; or

(d) alcohol and any dangerous or other drug to drive or be in actual physical control of a vehicle within this state.

(2) The fact that any person charged with a violation of subsection (1) is or has been entitled to use alcohol or a drug under the laws of this state does not constitute a defense against any charge of violating subsection (1).

(3) (a) "Under the influence" means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.

(b) Subject to 61-8-440, as used in this part, "vehicle" has the meaning provided in 61-1-101, except that the term does not include a bicycle.

(4) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person at the time of a test, as shown by analysis of a sample of the person's blood or breath drawn or taken within a reasonable time after the alleged act, gives rise to the following inferences:

(a) If there was at that time an alcohol concentration of 0.04 or less, it may be inferred that the person was not under the influence of alcohol.

(b) If there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was or was not under the influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person.

(c) If there was at that time an alcohol concentration of 0.08 or more, it may be inferred that the person was under the influence of alcohol. The inference is rebuttable.

(5) The provisions of subsection (4) do not limit the introduction of any other competent evidence bearing upon the issue of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.

(6) Each municipality in this state is given authority to enact 61-8-406, 61-8-408, 61-8-410, 61-8-714, 61-8-722, 61-8-731 through 61-8-734, and subsections (1) through (5) of this section, with the word "state" in 61-8-406 and subsection (1) of this section changed to read "municipality", as an ordinance and is given jurisdiction of the enforcement of the ordinance and of the imposition of the fines and penalties provided in the ordinance.

(7) Absolute liability as provided in 45-2-104 will be imposed for a violation of this section."

Section 209. Section 61-8-605, MCA, is amended to read:

"61-8-605. Riding on roadways. (1) As used in this section~~,~~:

(a) "laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular traffic; and

(b) "roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.

(2) A person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable except when:

(a) overtaking and passing another vehicle proceeding in the same direction;

(b) preparing for a left turn at an intersection or into a private road or driveway; or

(c) necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(3) A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable.

(4) Persons riding bicycles upon a roadway shall ride in single file except when:

(a) riding on paths or parts of roadways set aside for the exclusive use of bicycles;

(b) overtaking and passing another bicycle;

(c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or

(d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case the persons may ride two abreast if they do not impede the normal and reasonable movement of traffic more than they would otherwise impede traffic by riding single file and in accordance with the provisions of this chapter.

(5) A bicycle, as defined in ~~61-1-123(2)~~ 61-8-102(2)(b)(ii), is excluded from

the provisions of subsections (2) and (3)."

Section 210. Section 61-8-704, MCA, is amended to read:

"61-8-704. Erection of signs -- definition. (1) ~~No~~ The operator of a motor vehicle may not be arrested under 61-8-703 unless signs have been placed at or near the state line on the primary highway system, outside towns or cities having over 2,500 population, and outside county seats on the primary highways to indicate the legal rate of speed.

(2) Any municipality ~~which~~ that uses radio microwaves or ~~other~~ another electrical device for law enforcement purposes shall erect and maintain appropriate signs giving notice of ~~such~~ that use at a conspicuous place at or near the corporate limits of the municipality, upon each state highway and arterial street or highway entering the municipality, and at ~~such~~ other places ~~as may be deemed~~ considered necessary by the municipal authorities for the information of the traveling public.

(3) Signs giving notice that the speed of vehicles may be measured by radio microwaves or other electrical device ~~shall~~ must be placed as required for speed signs in subsection (1) ~~above~~. However, the absence of ~~such~~ signs ~~shall~~ may not in itself invalidate an otherwise proper arrest.

(4) As used in this section, "arterial street" means any federal or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system or highway."

Section 211. Section 61-8-713, MCA, is amended to read:

"61-8-713. Injury to or removal of sign or marker a as misdemeanor -- penalty. (1) ~~Every~~ A person who maliciously injures, defaces, damages, or removes any sign, signal, or marker, either temporarily or permanently erected on the right-of-way of any secondary, state, or interstate highway for warning, instruction, or information of the public, is guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished by a fine of $250, ~~or~~ by imprisonment in the county jail for a period not exceeding 60 days, or ~~by~~ both ~~such fine and imprisonment in the discretion of the court~~. This

section applies to secondary, state, or interstate highways ~~which~~ that are completed and to secondary, state, or interstate highways ~~which~~ that are under construction or repair.

(2) ~~No~~ A person ~~shall~~ may not, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia ~~thereon~~ on or ~~any~~ part ~~thereof~~ of the sign or device.

(3) As used in this section, "railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train."

Section 212. Section 61-8-801, MCA, is amended to read:

"61-8-801. Purpose -- definition. (1) The purpose of this part is to reduce the number of commercial motor vehicle accidents in Montana, to provide greater safety to the motoring public and others by establishing stringent criteria governing the operation of commercial motor vehicles, and to deny the privilege of operating commercial motor vehicles upon the public streets and highways to those commercial motor vehicle operators who are not qualified.

(2) To fulfill this purpose, the legislature intends that this part:

(a) establish criteria and procedures for the operation of commercial motor vehicles that require safety practices commensurate with the danger inherent to their operation;

(b) provide for increased administrative punishment for commercial motor vehicle operators who use alcohol while operating commercial motor vehicles;

(c) provide greater control of commercial motor vehicle operators using the streets and highways; and

(d) conform Montana's laws on commercial driver licensing with federal regulations based on the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, as amended.

(3) As used in this part, "hazardous material" means a substance or material, defined or listed as a hazardous material in Title 49, Code of Federal Regulations,

in a quantity and form that may pose an unreasonable risk to health and safety or property when transported."

Section 213. Section 61-9-102, MCA, is amended to read:

"61-9-102. Uniformity of interpretation -- definitions. (1) This chapter ~~shall~~ must be ~~so~~ interpreted and construed ~~as~~ in order to effectuate its general purpose to make uniform the law of those states which enact it.

(2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

(a) "authorized emergency vehicle" has the meaning provided in 61-8-102;

(b) "emergency service vehicle" means an emergency service vehicle of a state, county, or municipal department or a public service vehicle, commercial tow truck, or commercial road service truck, which by the nature of its operation causes a vehicular traffic hazard;

(c) "explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases so that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb;

(d) "farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;

(e) "police vehicle" has the meaning as provided in 61-8-102; and

(f) "right-of-way" has the meaning provided in 61-8-102."

Section 214. Section 61-9-103, MCA, is amended to read:

"61-9-103. Provisions uniform throughout state -- power of local authorities. (1) The provisions of this chapter ~~shall~~ must be applicable and uniform throughout this state and in all political subdivisions and municipalities ~~therein~~ in this state, and ~~no~~ a local authority ~~shall~~ may not enact or enforce any ordinance, rule, or regulation

in conflict with the provisions of this chapter unless expressly authorized ~~herein~~ in this chapter. Local authorities may~~, however,~~ adopt additional traffic regulations ~~which~~ that are not in conflict with the provisions of this chapter.

(2) As used in this section "local authorities" has the meaning provided in 61-8-102."

Section 215. Section 61-9-226, MCA, is amended to read:

"61-9-226. Special restrictions on lamps -- definition. (1) A lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, or flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps that projects a beam of light of an intensity greater than 300 candlepower must be so directed that the high intensity portion of the beam may not strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(2) A person may not drive or move a vehicle or equipment upon a highway with a lamp or device displaying a red light visible from in front of the center of the vehicle. This section does not apply to a vehicle upon which a red light visible from the front is expressly authorized or required by this code.

(3) Flashing, blinking, sequential, rotating, or pulsating lights are prohibited except on vehicles that are authorized by this chapter to contain the lights or on a vehicle as a means for indicating a right or left turn or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

(4) License plate decorative lighting that is not original manufacturer's equipment or undercarriage decorative lighting that rotates, flashes, or oscillates or that displays a color authorized by this chapter for use by police vehicles and authorized emergency vehicles may not be illuminated on a vehicle that is operated upon a highway or street.

(5) As used in this section "school bus" has the meaning provided in 20-10-101."

Section 216. Section 61-9-302, MCA, is amended to read:

"61-9-302. Service brakes -- adequacy. Every ~~such~~ motor vehicle, trailer,

semitrailer, and pole trailer and combination of these vehicles, except special mobile equipment ~~as defined in 61-1-104~~, ~~shall~~ must be equipped with service brakes complying with the performance requirements of 61-9-312 and adequate to control the movement of and to stop and hold ~~such~~ the vehicle under all conditions of loading and on any grade incident to its operation."

Section 217. Section 61-9-304, MCA, is amended to read:

"61-9-304. Brakes required on all wheels -- exceptions. Every vehicle must be equipped with brakes acting on all wheels except:

(1) trailers, semitrailers, pole trailers of a gross weight not exceeding 3,000 pounds, provided that:

(a) the total weight on and including the wheels of the trailer or trailers may not exceed 40% of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(b) the combination of vehicles consisting of the towing vehicle and its total towed load is capable of complying with the performance requirements of 61-9-312;

(2) any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of 61-9-312;

(3) trucks and truck tractors having three or more axles need not have brakes on the front wheels, if the vehicle was manufactured before July 25, 1980. However, the trucks and truck tractors must be capable of complying with the performance requirements of 61-9-312.

(4) special mobile equipment ~~as defined in 61-1-104~~;

(5) the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes. However, a quadricycle, motorcycle, or motor-driven cycle must be capable of complying with the performance requirements of 61-9-312."

Section 218. Section 61-9-321, MCA, is amended to read:

"61-9-321. Engine compression brake device -- use. (1) A commercial motor

vehicle~~, as defined in 61-1-134,~~ equipped with an engine compression brake device must be equipped with a muffler in good working condition to prevent excessive noise.

(2) An operator of a commercial motor vehicle that has an engine compression brake device with a factory-installed muffler or an equivalent after-market muffler may not be prohibited from using the engine compression brake device."

Section 219. Section 61-9-402, MCA, is amended to read:

"61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command vehicles -- immunity. (1) A police vehicle must be equipped with a siren capable of giving an audible signal and may be equipped with alternately flashing or rotating red or blue lights as specified in this section.

(2) An authorized emergency vehicle must be equipped:

(a) with a siren and an alternately flashing or rotating red light as specified in this section; and

(b) with signal lamps mounted as high and as widely spaced laterally as practicable that are capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight.

(3) A bus used for the transportation of school children must be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. The warning lights must be as prescribed by the board of public education and approved by the department.

(4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle must, be equipped with alternately flashing or rotating amber lights as specified in this section.

(5) The use of signal equipment as described in this section imposes upon the operators of other vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light only with caution and at a speed that is no greater

than is reasonable and proper under the conditions existing at the point of operation subject to the provisions of 61-8-209 and 61-8-303.

(6) An employee, agent, or representative of the state or a political subdivision of the state or of a fire department who is operating a police vehicle, an authorized emergency vehicle, or an emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of subsection (5).

(7) Blue, red, and amber lights required in this section must be mounted as high as and as widely spaced laterally as practicable and capable of displaying to the front two alternately flashing lights of the specified color located at the same level and to the rear two alternately flashing lights of the specified color located at the same level or one rotating light of the specified color, mounted as high as is practicable and visible from both the front and the rear. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. Except as provided in 61-9-204(6), only police vehicles as defined in ~~61-1-118~~ 61-8-102 may display blue lights, lenses, or globes.

(8) A police ~~car~~ vehicle and authorized emergency vehicle may be equipped with a flashing signal lamp that is green in color, visible from 360 degrees, and attached to the exterior roof of the vehicle for purposes of designation as the on-scene command and control vehicle in an emergency or disaster. The green light must have sufficient intensity to be visible at 500 feet in normal sunlight. Only the on-scene command and control vehicle may display green lights, lenses, or globes.

(9) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to flash or alternate its headlamps or its backup lights.

(10) A violation of subsection (5) is considered reckless endangerment of a highway worker, as provided in 61-8-301(4), and is punishable as provided in 61-8-715."

Section 220. Section 61-9-405, MCA, is amended to read:

"61-9-405. Windshields required, exception -- unobstructed and equipped with wipers -- window tinting and sunscreening -- restrictions -- exemptions. (1) A motor vehicle, except a motorcycle, quadricycle, motor-driven cycle, or farm tractor, must be equipped with a front windshield meeting the requirements of 61-9-408, unless the driver wears safety glasses, goggles, or face shields at all times during the operation of the motor vehicle.

(2) A person may not drive a motor vehicle with:

(a) a sign, poster, substance, or other nontransparent material upon the front windshield, side wings, or side or rear windows of the vehicle that materially obstructs, obscures, or impairs the driver's clear view of the highway or an intersecting highway; or

(b) a windshield that is shattered or in such a defective condition that it materially impairs or obstructs the driver's clear view.

(3) The windshield on a motor vehicle must be equipped with a device for clearing rain, snow, or other moisture from the windshield. The device must be maintained in good working order.

(4) A person may not operate a motor vehicle that is required to be registered in this state upon a highway if:

(a) the windshield has sunscreening material that is not clear and transparent below the AS-1 line or if it has a sunscreening material that is red, yellow, or amber in color above the AS-1 line;

(b) the front side windows have sunscreening or other transparent material that has a luminous reflectance of more than 35% or has light transmission of less than 24%;

(c) the rear window or side windows behind the front seat have sunscreening or other transparent material that has a luminous reflectance of more than 35% or has light transmission of less than 14%, except for the rear window or side windows behind the front seat on a multipurpose vehicle, van, or bus; or

(d) the windows of a camper, motor home, pickup cover, slide-in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 CFR 571.205.

(5) As used in 61-9-428, 61-9-429, and this section, the following definitions apply:

~~(a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons.~~

~~(b)~~(a) "Glass-plastic glazing material" means a laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle.

~~(c)~~(b) "Light transmission" means the ratio of the amount of total light, expressed in percentages, that is allowed to pass through the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

~~(d)~~(c) "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, that is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

~~(e) "Motor home" means a multipurpose passenger vehicle that provides living accommodations.~~

~~(f)~~(d) "Multipurpose vehicle" means a motor vehicle designed to carry 10 or fewer passengers that is constructed on a truck chassis or with special features for occasional off-road use.

~~(g)~~(e) "Pickup cover" means a camper having a roof and sides but without a floor designed to be mounted on and removable from the cargo area of a pickup truck by the user.

~~(h)~~(f) "Slide-in camper" means a camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user.

~~(i)~~(g) "Sunscreening material" means a film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.

(6) Except as provided in subsection (7), subsection (4) applies to all vehicles that are equipped with tinted windows, including windows with less than 100% light transmission to which additional sunscreening material has been applied.

(7) Subsection (4) does not apply to a multipurpose vehicle that is equipped with tinted windows that were installed by the manufacturer of the vehicle or to a

hearse, ambulance, government vehicle, or any other vehicle to which a currently valid certificate of waiver is affixed as specified under 61-9-428. A certificate of waiver must be issued by the department for a vehicle that was registered in this state on October 1, 1991, and was equipped with a sunscreening device or other material prohibited under subsection (4) on October 1, 1991."

Section 221. Section 61-9-406, MCA, is amended to read:

"61-9-406. Restrictions as to tire equipment -- particular tires, chains, or traction equipment -- definitions. (1) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.

(3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat, or spike, or other protuberance of a material other than rubber that projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with material, such as wood, wire, plastic or metal, that may not protrude more than one-sixteenth of an inch beyond the tire tread or that are clearly marked by the manufacturer on the sidewall "all season m&s" (or "all season mud and snow"), upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The use of pneumatic tires embedded as provided in this section is permitted only between October 1 and May 31 of each year, except that one of those tires may be used for a spare in case of tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through the following June 15.

(4) The department of transportation and local authorities, as defined in 61-8-102, in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of farm tractors or other farm machinery or of traction engines or tractors having movable tracks with transverse corrugations

upon the periphery of the movable tracks, the operation of which upon the highway would otherwise be prohibited under this section.

(5) If the department of transportation determines at any time that dangerous or unsafe conditions on a highway require particular tires, tire chains, or traction equipment for vehicles in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of the equipment for all vehicles using the highway:

(a) chains or other approved traction devices recommended for driver wheels;

(b) chains or other approved traction devices required for driver wheels; or

(c) chains required for driver wheels.

(6) Equipment required by subsection (5)(b) or (5)(c) must conform to rules established by the department of justice.

(7) The department of transportation shall place and maintain signs and other traffic control devices on a highway designated under subsection (5) that indicate the tire, tire chain, or traction equipment recommendation or requirement determined for vehicles. The signs or traffic control devices may not prohibit the use of pneumatic tires embedded as provided in subsection (3) between October 1 and May 31 of each year, but when the department of transportation determines that chains are required and that no other traction equipment will suffice, the requirement is applicable to tires on driver wheels of one axle, as defined in 61-10-104, of a vehicle, including embedded tires. The signs or traffic control devices may differentiate in recommendations or requirements for four-wheel-drive vehicles in gear.

(8) As used in this section:

(a) "metal tire" means a tire the surface of which in contact with the highway is wholly or partly metal or other hard nonresilient material; and

(b) "pneumatic tire" means a tire in which compressed air or nitrogen is designed to support the load."

Section 222. Section 61-9-412, MCA, is amended to read:

"61-9-412. Display of warning devices when vehicle disabled. (1) Whenever ~~any~~ a motor truck, passenger bus, truck, tractor, trailer, semitrailer, or pole trailer

is disabled upon the traveled portion of any highway or the shoulder ~~thereof~~ of a highway outside of any municipality at any time when lighted lamps are required on vehicles, the driver of ~~such~~ that vehicle shall display the following warning devices upon the highway during the time the vehicle is ~~so~~ disabled on the highway except as provided in subsection (2):

(a) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector ~~shall~~ must be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon ~~thereafter~~ as possible after complying with subsection (1)(a), but ~~in any event~~ within the burning period of the fusee (15 minutes), the driver shall place three liquid burning flares (pot torches), ~~or~~ three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) one approximately 100 feet from the disabled vehicle in the center of the lane occupied by ~~such~~ the vehicle and toward traffic approaching in that lane;

(ii) one approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by ~~such~~ the vehicle;

(iii) one at the traffic side of the disabled vehicle not less than 10 feet rearward or forward ~~thereof~~ of the vehicle in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subsection (1)(b)(i) ~~of this section~~, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within 500 feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction ~~shall~~ must be ~~so~~ placed ~~as~~ in order to afford ample warning to other users of the highway but in no case less than 500 feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) ~~shall~~ must be placed as follows:

(a) one at a distance of approximately 200 feet from the vehicle, in the center

of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(b) one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane;

(c) one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder ~~thereof~~ of a highway outside of any municipality at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, or at a distance of approximately 100 feet in advance of the vehicle, and one at a distance of approximately 100 feet to the rear of the vehicle.

(5) (a) Whenever ~~any~~ a motor vehicle used in the transportation of explosives, ~~or any~~ a cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or ~~any~~ a motor vehicle using compressed gas as a fuel~~,~~ is disabled upon any highway of this state at any time or place mentioned in subsection (1) ~~of this section~~, the driver of ~~such~~ the vehicle shall immediately display ~~the following warning devices:~~

~~(a)~~ one red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle and two red electric lanterns or portable red reflectors, one placed approximately 100 feet to the front and one placed approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by ~~such~~ the vehicle~~;~~.

(b) ~~flares~~ Flares, fusees, or signals produced by flame ~~shall~~ may not be used as warning devices for disabled vehicles of the type mentioned in this subsection (5).

(6) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section ~~shall~~ must conform with the applicable requirements of 61-9-411 ~~applicable thereto~~.

(7) As used in this section, "flammable liquid" means any liquid that has a

flash point of 70 degrees Fahrenheit or less as determined by a Tagliabue or equivalent closed cup test device."

Section 223. Section 61-9-415, MCA, is amended to read:

"61-9-415. Slow-moving vehicles. (1) It is unlawful for a person to operate on a state highway, a farm, rural, or county road, or a city street of this state a slow-moving vehicle or equipment, an animal-drawn vehicle, or any other machinery, including all road construction or maintenance machinery, except when engaged in actual construction or maintenance work either guarded by a flag person, as defined in 61-8-102, or clearly visible warning signs, that normally travels or is normally used at a speed of less than 25 miles an hour, unless there is displayed on the rear of the vehicle an emblem as provided in subsection (2). The requirement of the emblem is in addition to any lighting devices required by law.

(2) The emblem required by subsection (1) must be of substantial construction and must be a based-down equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of 14 inches and a height of 12 inches. The triangle must be bordered with reflective red strips having a minimum width of 1 3/4 inches, with the vertices of the overall triangle truncated so that the remaining height is a minimum of 14 inches. The emblem must be mounted on the rear of the vehicle near the horizontal geometric center of the vehicle at a height of 3 to 5 feet above the roadway and must be maintained in a clean, reflective condition.

(3) In addition to the requirements in subsection (2), on a highway that has only two lanes for traffic moving in opposite directions, when an overtaking vehicle being operated in conformity with 61-8-303 does not have a clear lane for passing as required by 61-8-325, the driver of a slower-moving, overtaken vehicle shall, at the first opportunity and when a safe turnout exists, move the overtaken vehicle off the main-traveled portion of the highway until the overtaking vehicle is safely clear of the overtaken vehicle.

(4) On an interstate highway or on any other four-lane highway, a slow-moving vehicle, subject to the requirements of this section, must be driven in the right lane as far to the right as possible, including the shoulder of the highway."

Section 224. Section 61-9-426, MCA, is amended to read:

"61-9-426. Air-conditioning equipment -- use of flammable refrigerant prohibited. (1) Air-conditioning equipment must be maintained with due regard for the safety of the occupants of the vehicle, service technicians, and the public.

(2) Air-conditioning equipment may contain only refrigerant that has been included in the list published by the United States environmental protection agency as a safe alternative motor vehicle air-conditioning substitute for chlorofluorocarbon-12 pursuant to 42 U.S.C. 7671k(c).

(3) A person may not equip or maintain a motor vehicle or special mobile equipment with air-conditioning equipment or refrigerants that do not comply with the requirements of this section.

(4) As used in 61-9-427 and this section, "air-conditioning equipment" means mechanical, belt-driven, vapor compression refrigerant equipment that is used to cool the driver's compartment or passenger compartment of a motor vehicle~~, as defined in 61-1-102,~~ or special mobile equipment~~, as defined in 61-1-104~~."

Section 225. Section 61-10-102, MCA, is amended to read:

"61-10-102. Width -- definition. (1) Except as provided in subsection (2), a vehicle, including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width for buses is allowed only on paved highways 20 feet or more in width.

(2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling hay that is moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle used for hauling hay. If the implement or vehicle is more than 12 1/2 feet wide, it must be preceded by flag vehicle escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15 feet overall width that are used in farming operations or to movement on a county road within 100 miles of the farming operation of the owner of an implement of husbandry or a vehicle used for hauling hay. Lights that meet the

requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be preceded and followed by flag vehicle escorts unless the movement of the implements or vehicles is restricted to a county road within 100 miles of the farming operation of the owner.

(b) An implement of husbandry or a vehicle used for hauling hay that exceeds 16 1/2 feet in width and that is traveling on an interstate or a four-lane highway must be followed by a flag vehicle escort.

(c) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be granted a permit subject to the provisions of 61-10-121 through 61-10-127 and the following requirements:

(i) travel during daylight hours only for an oversize shipment of large round bales of hay, whether the vehicle is loaded or with an empty hay rack, up to 144 inches; when empty, a square red or orange flag measuring 12 inches on each side must be attached to each corner of the hay rack; and

(ii) travel day or night for any other shipment of baled hay, whether the vehicle is loaded or with an empty hay rack, up to 114 inches.

(d) Subsection (1) does not apply to a commercial hay grinder moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to operations of the commercial hay grinder. A commercial hay grinder exceeding 102 inches in width must have a permit issued under 61-10-124. If the commercial hay grinder is more than 12 1/2 feet wide, it must be preceded by flag vehicle escorts to warn other highway users. Lights that meet the requirements of 61-9-219(4) must be displayed on the rear of the commercial hay grinder. Movement of a commercial hay grinder that does not exceed 138 inches in width may occur on any day of the week, including holidays, and is restricted to movement during daylight hours. Movement of a commercial hay grinder may not exceed the posted speed limit, including the speed limit on an interstate highway.

(3) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided in subsection (1).

(4) For the purposes of this section, ~~"county road" has the same meaning as the term is defined in 60-1-103~~ "flag vehicle" means a vehicle equipped as required by law or by department of transportation rule to warn or guide vehicular traffic. When not being operated as a flag vehicle, signs must be removed."

Section 226. Section 61-10-104, MCA, is amended to read:

"61-10-104. Length -- definitions. (1) A single truck, bus, or self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 55 feet.

(2) (a) When used in a truck tractor-semitrailer combination, the semitrailer may not exceed 53 feet in length, excluding those portions not designed to carry a load, except as provided by 61-10-124. When used in a truck tractor-semitrailer-trailer or a truck tractor-semitrailer-semitrailer combination, the semitrailer and trailer or the two semitrailers may not exceed 28 1/2 feet each in length or 61 feet in combined trailer length, excluding those portions not designed to carry a load, except as provided by 61-10-124. Truck tractor-semitrailer, truck tractor-semitrailer-trailer, and truck tractor-semitrailer-semitrailer combinations are not subject to a combination length limit.

(b) A stinger-steered automobile or boat transporter may not exceed 75 feet in length plus a maximum 3 feet of front overhang and 4 feet of rear overhang, except as provided by 61-10-124. "Stinger-steered automobile or boat transporter" means a truck tractor-semitrailer combination that has a fifth wheel on a drop frame located behind and below the rear axle of the truck tractor and that is designed and used for the transportation of vehicles or assembled boats or boat hulls.

(c) All other combinations of vehicles may not have a combination length in excess of 75 feet, except as provided by 61-10-124. If the combination consists of more than two units, the rear units of the combination must be equipped with breakaway brakes.

(3) A motor vehicle may not tow more than one motor vehicle, and a motor vehicle may not draw more than three motor vehicles attached to it by the triple saddle-mount method (that is, by mounting the front wheels of one vehicle on the bed of another,

leaving only the rear wheels of the vehicle in contact with the roadway), and this combination may not have a combination length in excess of 75 feet.

(4) A passenger vehicle or truck of less than 2,000 pounds "manufacturer's rated capacity" may not tow more than one trailer or semitrailer, and this combination may not have a length in excess of 65 feet.

(5) (a) The length of a vehicle combination consisting of a truck or truck-tractor and one pole trailer or semitrailer hauling raw logs may not exceed 75 feet in overall length. As used in this subsection (5)(a), the term "length" means the total length of the vehicle combination beginning at the front of the front bumper of the truck or truck-tractor and extending to the most distant end of the logs being hauled. A term permit for an overlength vehicle combination, as provided in 61-10-124(2), does not apply to the vehicle combination described in this subsection (5)(a). A vehicle combination exceeding 75 feet must have a trip permit.

(b) The maximum overhang of any log may not exceed 15 feet, except by special, single-trip permit. Overhang is measured from the center of the rear-most axle to the most distant end of the logs being hauled.

(c) The provisions in subsections (5)(a) and (5)(b) do not apply to a vehicle combination hauling utility poles.

(6) As used in this chapter, the following definitions apply:

(a) "Axle" means a transverse beam that is the common axis of rotation of one or more wheels and that, to receive credit for allowable total gross loading, must be capable of continuously transmitting a proportionate share of the total gross load to the roadway when the axle is in operation.

~~(a)~~(b) "Combination length" means the total length of a combination of vehicles, such as a truck tractor-semitrailer-trailer combination, measured from the front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer, including the connection tongues.

~~(b)~~(c) "Combined trailer length" means the total length of a combination of trailers measured from the front of the first trailer to the back of the last trailer, including the connection tongues and loads.

~~(c)~~(d) "Length", except as provided in subsection (5)(a), means the total

longitudinal dimension of a single vehicle, a trailer, or a semitrailer. The length of a trailer or semitrailer is measured from the front of the cargo-carrying unit to its rear, exclusive of safety or energy efficiency devices, air-conditioning units, air compressors, flexible fender extensions, splash and spray suppressant devices, bolsters, mechanical fastening devices, and hydraulic lift gates.

~~(d)~~(e) "Rocky Mountain double" means a combination of vehicles that includes a truck tractor pulling a long semitrailer and a shorter trailer."

Section 227. Section 61-10-123, MCA, is amended to read:

"61-10-123. Haystack movers. (1) A self-propelled vehicle used only for the purpose of moving haystacks on a commercial basis is subject to 61-10-121 through 61-10-127, except as ~~follows:~~ provided in subsections (2) through (8).

~~(1)~~(2) The vehicle, loaded or unloaded, may not exceed 55 feet in length or 20 feet in width.

~~(2)~~(3) A single load may not be moved on the vehicle a distance greater than 75 miles from the point of origin on public roads.

~~(3)~~(4) When the vehicle is hauling a load, it ~~shall~~ must be accompanied by two pilot cars. Each car ~~shall~~ must be equipped with a flashing warning light, a red flag, and a sign with the words "wide load" written on it. One car ~~shall~~ must precede the vehicle by not less than 100 yards or more than one-fourth mile, and one ~~shall~~ car must follow the vehicle at a distance not less than 100 yards or more than one-fourth mile. The following pilot car ~~shall~~ must be in radio contact with the vehicle at all times.

~~(4)~~(5) The speed of the vehicle ~~shall~~ must be reasonable and proper but not in excess of 35 miles per hour.

~~(5)~~(6) The vehicle ~~shall~~ may be operated only between the hours of sunrise and sunset.

~~(6)~~(7) The vehicle may not be operated on an interstate or a controlled-access highway as defined in 61-8-102.

~~(7)~~(8) A term or blanket permit may be issued for the vehicle."

Section 228. Section 61-10-141, MCA, is amended to read:

"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads -- enforcement of motor carrier safety standards -- duty to obtain bills of lading for agricultural seeds -- authority to inspect diesel-powered vehicles. (1) A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except recreational vehicles ~~as defined in 61-1-132~~, travel trailers, or motor homes, by means of either portable or stationary scales and may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person may then require the driver to unload at a designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the load can be safely reduced to legal limits.

(2) Commodities and material unloaded as required by this section must be cared for by the owner or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by this section may not be left on the highway right-of-way.

(3) The department of transportation may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup trucks under 14,000 pounds GVW and recreational vehicles ~~as defined in 61-1-132 (~~that are not new or used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer~~)~~, to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements. The department may require vehicles over 10,000 pounds to be inspected and weighed by portable scale crews.

(4) The department of transportation shall work with the highway patrol in the enforcement of safety standards adopted pursuant to 44-1-1005. For the purposes of the joint enforcement, the highway patrol is designated as the lead agency. The highway

patrol and the department of transportation shall cooperate to ensure minimum duplication and maximum coordination of enforcement effort.

(5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the department of transportation shall designate employees as peace officers. The designated employees must be employed in the administration of the motor carrier services functions of the department of transportation. Each employee designated as a peace officer may:

(a) issue citations and make arrests in connection with violations of safety standards adopted under 44-1-1005;

(b) issue summons;

(c) accept bail;

(d) serve warrants for arrest;

(e) make reasonable inspections of cargo carried by commercial motor vehicles;

(f) make reasonable safety inspections of commercial motor vehicles used by motor carriers; and

(g) require production of documents relating to the cargo, driver, routing, or ownership of the commercial motor vehicles.

(6) In addition to other enforcement duties assigned under this section, an employee of the department of transportation who is appointed pursuant to 61-12-201 has:

(a) the same authority to enforce provisions of the motor carriers law as that granted the public service commission under 69-12-203;

(b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery for shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in Montana and to forward the copies to the department of agriculture within 24 hours of the date the bill of lading was obtained; and

(c) the authority, if probable cause exists, to stop and inspect a supply tank connected to the engine of any diesel-powered motor vehicle operating on the public highways of this state in order to determine compliance with Title 15, chapter 70, part 3.

(7) The department of transportation shall report to the revenue and transportation interim committee at least once each year on its enforcement, pursuant to the authority provided in subsection (6)(c), of the provisions of Title 15, chapter 70, part 3, and on any impacts that enforcement has had on the state special revenue fund."

Section 229. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines and forfeited bonds. (1) Except as provided in 61-12-701 and subsection (2) of this section, all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the ~~department of revenue~~ state, as provided in 15-1-504, for deposit in the state general fund. This subsection does not apply to fines and forfeited bonds paid to justices' courts.

(2) If the apprehension or arrest was for a violation of Title 61, chapter 10, and if the offense occurred on a road or highway not included under the provisions of 60-2-128 and 60-2-203, all money collected as fines and forfeited bonds must be deposited in the state general fund."

Section 230. Section 61-10-206, MCA, is amended to read:

"61-10-206. Special fees -- certain farm vehicles. (1) Except for motortrucks owned and operated by cooperative associations or cooperative marketing associations, there must be paid and collected annually a fee equal to 35% of the fees provided in 61-10-201 on:

(a) motortrucks owned and operated by ranchers or farmers in:

(i) the transportation of their own ranch, farm, orchard, or dairy products from point of production to market;

(ii) the transportation of timber harvested on their own ranch, farm, orchard, or dairy from point of harvest to market;

(iii) the transportation of supplies, commodities, or equipment to be used on the ranch, farm, orchard, or dairy;

(iv) the infrequent or seasonal transportation by one farmer for another for

any purpose other than commercial hire of products of the farm, orchard, or dairy; or

(v) the transportation of supplies or commodities to be used on the farm, orchard, or dairy; and

(b) one truck tractor and lowboy trailer used by contractors engaged exclusively in soil conservation work and land leveling activities that result in direct benefit to agriculture.

(2) The minimum fee is $6.

(3) A motor vehicle or trailer designed and used to apply fertilizer to agricultural land must be treated as special mobile equipment."

Section 231. Section 61-10-225, MCA, is amended to read:

"61-10-225. Disposition of fees collected by county treasurer. The county treasurer shall transmit the fees provided for in 61-10-222 to the ~~department of revenue~~ state, as provided in 15-1-504, for deposit to the credit of the department of transportation in the highway revenue account. The remittance must be made on forms furnished to the county treasurer by the department of transportation."

Section 232. Section 61-11-203, MCA, is amended to read:

"61-11-203. Definitions. As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty or nolo contendere, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle that is prohibited by law, ordinance, or administrative order.

(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation

of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as ~~defined~~ described in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of $250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points; however ~~(~~this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired~~)~~;

(l) speeding, except as provided in 61-8-725(2), 3 points;

(m) all other moving violations, 2 points.

(3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

(4) "License" means any type of license or permit to operate a motor vehicle.

(5) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a person while operating a motor vehicle or in actual physical

control of a motor vehicle upon a highway~~, as the term is defined in 61-1-201~~.

(6) A traffic regulation includes any provision governing motor vehicle operation, equipment, safety, size, weight, and load restrictions or driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking."

Section 233. Section 61-12-101, MCA, is amended to read:

"61-12-101. Powers of local authorities to regulate traffic. The provisions of ~~chapter~~ chapters 8 and ~~chapter~~ 9 ~~shall~~ may not be ~~deemed~~ considered to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(1) regulating the standing or parking of vehicles;

(2) regulating the traffic by means of police officers or traffic control devices;

(3) regulating or prohibiting processions or assemblages on the highways;

(4) designating particular highways as one-way highways and requiring that all vehicles ~~thereon be moved~~ on those highways to move in one specific direction;

(5) regulating the speed of vehicles in public parks;

(6) designating any highway as a through highway, as defined in 61-8-341, and requiring that all the vehicles stop before entering or crossing the ~~same~~ highway, designating any intersection, as defined in 61-8-102, as a stop intersection, and requiring all vehicles to stop at one or more entrances to ~~such~~ those intersections;

(7) restricting the use of highways as authorized in 61-10-128(2);

(8) regulating the operation of bicycles, as defined in 61-8-102, and requiring the registration and licensing of ~~same~~ bicycles, including the requirement of a registration fee;

(9) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

(10) altering the speed limits as authorized ~~herein~~ in this part;

(11) regulating the driving of vehicles by ~~any~~ a person who is ~~an~~ a habitual user of or under the influence of any narcotic drug or who is under the influence of

any other drug to a degree ~~which~~ that renders ~~him~~ the person incapable of safely driving a vehicle within the incorporated limits of ~~any~~ a city or town;

(12) regulating or prohibiting ~~any~~ a person who is under the influence of intoxicating liquor from driving or being in actual physical control of any vehicle within the incorporated limits of ~~any~~ a city or town;

(13) regulating or prohibiting the driving of vehicles by ~~any~~ a person in a willful or wanton disregard for the safety of persons or property within the incorporated limits of ~~any~~ a city or town;

(14) enacting as ordinances any ~~and all provisions~~ provision of chapter 8 or ~~chapter~~ 9 and any ~~and all~~ other ~~laws~~ law regulating traffic, pedestrians, vehicles, and operators ~~thereof~~ of vehicles~~,~~ that are not in conflict with state law or federal regulations and ~~to enforce~~ enforcing the ~~same~~ ordinances within their jurisdiction."

Section 234. Section 61-12-102, MCA, is amended to read:

"61-12-102. Private parking services -- parking citations. (1) As used in this section, the following definitions apply:

(a) "Local government" means a municipality, if the private parking service operates parking services within a municipality, or a county, if ~~such~~ the services are not operated within a municipality.

(b) "Private parking service" means the service of providing areas for parking motor vehicles~~, as defined in 61-1-102,~~ by the general public for compensation and includes ~~such~~ those services conducted:

(i) on private property; or

(ii) on public property under contract or agreement with the local government.

(2) A local government may by ordinance allow a private parking service to impound a motor vehicle. A motor vehicle may not be impounded by attaching a device that makes the motor vehicle immobile.

(3) A private parking service may enter into an agreement with the local government to authorize employees of the private parking service to issue citations for parking violations as defined by state, municipal, or county laws, ~~which~~ that occur within the boundaries of the private parking service's parking areas. All ~~such~~ citations

must be considered within the jurisdiction of the local government and must be handled in the same manner as citations issued by peace officers ~~thereof~~ of the local government."

Section 235. Section 61-13-103, MCA, is amended to read:

"61-13-103. Seatbelt use required -- exceptions. (1) A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that the occupant is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

(c) an operator of a motorcycle ~~as defined in 61-1-105~~ or a motor-driven cycle ~~as defined in 61-1-106~~;

(d) an occupant of a vehicle licensed as special mobile equipment ~~as defined in 61-1-104~~; or

(e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may be exempted by the department.

(3) The department may adopt rules to implement subsection (2)(e).

(4) The department or its agent may not require a driver who may be in violation of this section to stop except upon reasonable cause to believe that the driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law."

Section 236. Section 75-10-532, MCA, is amended to read:

"75-10-532. Disposition of money collected. All money received from the sale of junk vehicles or from recycling of the material and all motor vehicle wrecking facility license fees must be remitted to the ~~department of revenue~~ state, as provided in 15-1-504. The money must be used for the control, collection, recycling, and disposal

of junk vehicles and component parts and for the removal of abandoned vehicles."

Section 237. Section 76-2-202, MCA, is amended to read:

"76-2-202. Establishment of zoning districts -- regulations. (1) (a) Within the unincorporated portions of a jurisdictional area that has been established under provisions of 76-1-501 through 76-1-503 or 76-1-504 through 76-1-507, the board of county commissioners may by resolution establish zoning districts and zoning regulations for all or part of the jurisdictional area.

(b) An action challenging the creation of a zoning district must be commenced within 5 years after the date of the order by the board of county commissioners creating the district.

(2) Within some zoning districts, it is lawful and within others it is unlawful to erect, construct, alter, or maintain certain buildings or to carry on certain trades, industries, or callings.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) Within each district the height and bulk of future buildings and the area of the yards, courts, and other open spaces and the future uses of the land or buildings must be limited and future building setback lines must be established.

(5) All regulations must be uniform for each class or kind of buildings throughout a district, but the regulations in one district may differ from those in other districts.

(6) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in ~~61-1-501~~ 61-1-101.

(7) Nothing contained in this section may be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

Section 238. Section 76-2-302, MCA, is amended to read:

"76-2-302. Zoning districts. (1) For the purposes of 76-2-301, the local city or town council or other legislative body may divide the municipality into districts of the number, shape, and area as are considered best suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

(2) All regulations must be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in ~~61-1-501~~ 61-1-101.

(5) This section may not be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

Section 239. Section 87-2-803, MCA, is amended to read:

"87-2-803. Persons with disabilities -- definitions. (1) Persons with

disabilities are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they are residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental rule. A person who has purchased a conservation license and a resident fishing license or game bird license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing license or game bird license previously purchased for that license year. A person who is certified as disabled pursuant to subsection (3) and who was issued a permit to hunt from a vehicle for license year 2000 or a subsequent license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria for obtaining a permit does not change.

(2) A resident of Montana who is certified as disabled by the department and who is not residing in an institution may purchase regular resident deer and elk licenses at one-half the fee paid by a resident who is 15 years of age or older and who is under 62 years of age. A person who has purchased a conservation license and a resident deer license or resident elk license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously purchased and reissuance of the license for that license year at the rate established in this subsection.

(3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle, on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to subsection (8). The department shall adopt rules to establish a voluntary board or boards of review to resolve any disputes over whether a person meets the criteria established in subsection (8). Each board must have at least one Montana-licensed physician as a member.

(4) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection as a permitholder, may hunt by shooting a firearm from the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in ~~61-1-202~~ 61-1-101, except a state or federal highway, or may hunt by shooting a firearm from within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public highway, where hunting is permitted. This subsection

does not allow a permitholder to shoot across the roadway of any public highway or to hunt on private property without permission of the landowner. A permitholder must have a companion to assist in immediately dressing any killed game animal. The companion may also assist the permitholder by hunting a game animal that has been wounded by the permitholder when the permitholder is unable to pursue and kill the wounded game animal. Any vehicle from which a permitholder is hunting must be conspicuously marked with an orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle, or as prescribed by the department.

(5) (a) A resident of Montana who is certified by the department as experiencing blindness, as defined in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of $10. The license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by department rule. An applicant for a license under this subsection need not obtain a wildlife conservation license as a prerequisite to licensure.

(b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may be issued regular resident deer and elk licenses in the manner provided in subsection (2), and must be accompanied by a companion, as provided in subsection (4).

(6) The department shall adopt rules to establish the qualifications that a person must meet to be a companion and may adopt rules to establish when a companion can be a designated shooter for a disabled person.

(7) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers to a person experiencing a condition medically determined to be permanent and substantial and resulting in significant impairment of the person's functional ability.

(8) A person is entitled to a permit to hunt from a vehicle if the person:

(a) is certified by a licensed physician to be dependent on an oxygen device or dependent on a wheelchair, crutch, or cane for mobility;

(b) is an amputee above the wrist or ankle; or

(c) is certified by a licensed physician to be unable to walk, unassisted, 600 yards over rough and broken ground while carrying 15 pounds within 1 hour and to be

unable to handle and maneuver up to 25 pounds.

(9) Certification by a licensed physician under subsection (8) must be on a form provided by the department.

(10) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may request a review by a voluntary board of review pursuant to subsection (3)."

Section 240. Section 87-3-101, MCA, is amended to read:

"**87-3-101. General restrictions.** Except as provided in 87-2-803(4), it is unlawful for anyone to hunt or attempt to hunt any game animal or game bird:

(1) from any self-propelled or drawn vehicle;

(2) on, from, or across any public highway or the shoulder, berm, or barrow pit right-of-way of any public highway, as defined in ~~61-1-202~~ 61-1-101, in the state of Montana; or

(3) by the aid or with the use of any set gun, jacklight, spotlight or other artificial light, trap, snare (except as allowed in 87-3-127 and 87-3-128), salt lick, or bait."

NEW SECTION. **Section 241. Repealer.** Sections 23-2-516, 23-2-517, 23-2-518, 23-2-626, 23-2-803, 23-2-817, 61-1-102, 61-1-103, 61-1-104, 61-1-105, 61-1-106, 61-1-107, 61-1-108, 61-1-109, 61-1-110, 61-1-111, 61-1-112, 61-1-113, 61-1-114, 61-1-115, 61-1-116, 61-1-117, 61-1-118, 61-1-119, 61-1-120, 61-1-121, 61-1-123, 61-1-124, 61-1-125, 61-1-126, 61-1-127, 61-1-128, 61-1-129, 61-1-130, 61-1-131, 61-1-132, 61-1-133, 61-1-134, 61-1-135, 61-1-136, 61-1-137, 61-1-138, 61-1-139, 61-1-140, 61-1-141, 61-1-142, 61-1-201, 61-1-202, 61-1-203, 61-1-204, 61-1-205, 61-1-206, 61-1-207, 61-1-208, 61-1-209, 61-1-210, 61-1-211, 61-1-212, 61-1-301, 61-1-302, 61-1-303, 61-1-304, 61-1-305, 61-1-306, 61-1-307, 61-1-308, 61-1-309, 61-1-310, 61-1-311, 61-1-313, 61-1-314, 61-1-315, 61-1-316, 61-1-317, 61-1-318, 61-1-319, 61-1-320, 61-1-321, 61-1-401, 61-1-402, 61-1-403, 61-1-404, 61-1-405, 61-1-406, 61-1-407, 61-1-408, 61-1-409, 61-1-410, 61-1-411, 61-1-412, 61-1-413, 61-1-414, 61-1-415, 61-1-501, 61-1-502, 61-1-503, 61-1-504, 61-1-505, 61-1-506,

61-1-507, 61-1-508, 61-1-509, 61-1-510, 61-1-511, 61-1-512, 61-1-513, 61-1-514, 61-1-515, 61-1-601, 61-1-602, 61-1-603, 61-1-604, 61-3-521, 61-3-522, 61-3-523, 61-3-527, 61-3-528, 61-3-530, 61-3-560, and 61-3-561, MCA, are repealed.

NEW SECTION. **Section 242. Codification instruction.** [Section 204] is intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 204].

NEW SECTION. **Section 243. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective January 1, 2006.

(2) [Section 4] is effective July 1, 2005.

NEW SECTION. **Section 244. Termination.** The amendments to 19-6-709 and the references to 19-6-709 in 17-7-502 terminate upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709.

- END -

FISCAL NOTE

Bill #: SB0285 **Title:** Organize and simplify motor vehicle laws

Primary Sponsor: Story, B **Status:** As Introduced

Sponsor signature Date David Ewer, Budget Director Date

Fiscal Summary

	FY 2006 Difference	FY 2007 Difference
Expenditures:		
General Fund	$262,813	$259,837
State Special Revenue	$0	$0
Revenue:		
General Fund	($1,602,187)	($3,255,163)
State Special Revenue	$215,000	$215,000
Net Impact on General Fund Balance:	($1,865,600)	($3,515,000)

☐	Significant Local Gov. Impact	☒	Technical Concerns
☐	Included in the Executive Budget	☒	Significant Long-Term Impacts
☐	Dedicated Revenue Form Attached	☒	Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

1. SB 285 simplifies and clarifies motor vehicle laws by revising four main areas of motor vehicle statute:
   (1) multiple fees are combined to reduce the absolute number of fees,
   (2) motor vehicle related definitions are made specific and moved to one section of law,
   (3) collections of motor vehicle revenues are moved to the Department of Justice (DOJ), and
   (4) motor vehicle transfers to agencies are changed from being based on vehicle counts from prior years, to a percentage of current general fund revenue collections.
2. Under current law, there are numerous fee amounts located in multiple locations. SB 285 consolidates fee amounts paid universally by like vehicles and provides for them in a single location; 61-3-321, MCA. The total fee amounts by vehicle type are the same as under current law. For instance, along with GVW and other fees, all heavy vehicles currently pay three separate fees of $0.25, $0.50, and $22,00; each of the fee amounts are provided for in separate sections of statute. Under the proposal, all heavy vehicles would pay a single registration fee of $22.75 (along with other current law fees and taxes based on multiple criteria).
3. SB 285 consolidates only fees paid universally. Other taxes and fees are still assessed and distributed based on current law; these include county option taxes, GVW fees, title fees, plate fees, personalized plate fees, specialty license plate amounts, donations, etc.

SB 285

4. Current motor vehicle definitions are located in several areas of law, and the same word or term could have different meanings in reference to different motor vehicle regulations, registration, and taxes. SB 285 creates a single section of law for motor vehicle definitions, and a single term has one meaning. SB 285 by making the laws specific will make interpreting the law less complex.
5. Effective July 1, 2006, the reporting of motor vehicle and driver licensing revenues is transferred to the Department of Justice (DOJ). DOJ's new accounting system for motor vehicle and driver licensing applications will be in operation when this transfer occurs. The development and design of the new accounting system will incorporate the requirements of accounting for these monies.
6. Motor vehicle revenue transfers to agencies are currently based on prior years counts of certain motor vehicles. For example FY 2005 transfers are based on calendar 2003 vehicle information. This causes problems when a new fee transfer is necessary because specific data does not exist for a new fee. For example, the transfer amount for the optional $4 parks recreation fee that became effective January 1, 2004, could not be determined for FY 2005 because data was not available until January 2005, or FY 2006.
7. SB 285 changes the current bases for transfers to agencies from a prior year vehicle count, to a percentage of total general fund collections. This change will effectively remove the lag from when revenue is received and when it is transferred. Additionally, by attaching each transfer to general fund vehicle collections and growth, it will work to stabilize transfer amounts to agencies.

Fiscal Impacts

8. The bill combines registration fees in 61-3-321, MCA, with fees from other areas, merging them into a single fee for each vehicle type in 61-3-321, MCA. However, current law language in 61-3-321(8), MCA (and remaining in the proposal 61-3-321(14)), exempts individuals that transfer their license plates onto a new vehicle from the registration fees in 61-3-321, MCA. The bill does not amend this exemption language, while the fee amounts were combined with fees that individuals that transfer their license plates would pay under current law.
9. It is estimated that approximately 70,500 light vehicles, heavy vehicles, motorcycles, trailers, motor homes, and travel trailers have license plates transferred each year. It is projected that under current law, the fees that are merged into 61-3-321, MCA, and paid under current law by the 70,500 aforementioned vehicles generates approximately $3.30 million in revenue per year. As presently written, SB 285 would exempt these 70,500 vehicles from the new fee; reducing general fund revenue by approximately $3.30 million per year.
10. The section of SB 285 that merges the fees into 61-3-321, MCA, is effective January 1, 2006; therefore the fiscal year impact in FY 2006 is a half year impact, or $1.650 million ($3.30 million x 50%).
11. Under current law 61-3-321(3), MCA, and now in 61-3-321(8) of the proposal, $16 is earmarked to the motorcycle safety account. In addition to the earmarked revenue, the proposal also provides for an additional transfer to the motorcycle safety account of $215,000 per year. Beginning in FY 2006, the proposal would increase revenue to the motorcycle safety account by $215,000: *reducing* general fund revenue by a commensurate amount each year (see technical note #5).
12. DOJ anticipates revenue *increases* equal to the cost of one auditor position, or $47,813 in FY 2006, and $44,837 in FY 2007.
13. Excluding the amount that will be transferred per assumption #11, general fund revenue is anticipated to *decrease* by $1,602,187 (+$47,813 - $1.650 million) in FY 2006, and $3,255,163 (+$44,837 - $3.30 million) in FY 2007 and succeeding years.

Administrative Costs

14. DOJ anticipates an additional one FTE (Grade 15) will be needed for auditing and training. The cost for 1.00 FTE is $40,761 in FY 2006, and $40,761 in FY 2007.

15. One time start up operating costs are $2,976 in FY 2006 for a new employee package, including a desk, chair, 3-shelf bookcase, computer, and 2-drawer file cabinet.
16. Ongoing operating costs in FY 2006 and subsequent years are estimated at $4,076 for phones, supplies, communications, computer usage, and travel.
17. Total cost of one auditor position is estimated at $47,813 ($40,761 + $2,976 + $4,076) in FY 2006, and $44,837 ($40,761 + $4,076) in FY 2007. However, per assumption #12, DOJ anticipates additional revenue equal to the cost of the 1.00 FTE auditor.

FISCAL IMPACT:

	FY 2006 Difference	FY 2007 Difference
FTE	1.00	1.00
Expenditures:		
Personal Services	$40,761	$40,761
Equipment	$7,052	$4,076
Transfers	$215,000	$215,000
TOTAL	$262,813	$259,837
Funding of Expenditures:		
General Fund (01)	$262,813	$259,837
Revenues:		
General Fund (01)	($1,602,187)	($3,255,163)
State Special Revenue – *Motorcycle Safety Account*	$215,000	$215,000
Net Impact to Fund Balance (Revenue minus Funding of Expenditures):		
General Fund (01)	($1,865,600)	($3,515,000)
State Special Revenue – *Motorcycle Safety Account*	$215,000	$215,000

LONG-RANGE IMPACTS:

The FY 2007 general fund decrease of $3.515 million would continue into future years.

TECHNICAL NOTES:

1. LC0761 is a proposal that would also significantly amend motor vehicle statute, including fee and tax statutes. If both SB 285 and LC0761 pass, coordination language would be necessary.
2. LC0299 revises registration and licensing for quadricycles. If both SB 285 and LC0299 pass, coordination language would be necessary.
3. Current law 15-1-122 (3)(c)(v), MCA, directs that the amount of revenues received from recreational vehicle fees be transfers to Fish, Wildlife and Parks (FWP) and be deposited to the state special revenue fund established in 23-1-105, MCA (State Parks Miscellaneous Fund). While SB 285 allows for an equivalent transfer amount, it does not specify that it be deposited in the state special revenue fund established in 23-1-105, MCA.

4. Section 15-1-122(3)(d) of the proposal combines the amount of the transfer to the Department of Military Affairs for deposit in the state veterans' cemetery account–provided for in 10-2-603, MCA, and the veterans' services account provided for in 10-2-112(1), MCA. However, the proposal does not specify the allocation to each account.
5. Per assumption #11, the motorcycle safety account under the proposal would receive twice as much revenue a year as it would under current law.

MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

00:00:00
Call to Order: By **SEN. VICKI COCCHIARELLA**, on February 10, 2005 at 3:00 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:
Sen. Jerry W. Black (R)
Sen. John Brueggeman (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Frank Smith (D)
Sen. Donald J. Steinbeisser (R)
Sen. Dan Weinberg (D)

Members Excused: Sen. Gerald Pease, Chairman (D)

Members Absent: None.

Staff Present: Todd Everts, Legislative Branch
Peg Holwick, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: SB 295, 2/3/2005; SB 285, 2/3/2005
Executive Action: SB 318, 295

00:09:00

HEARING ON SB 295

Opening Statement by Sponsor:

SEN. KELLY GEBHARDT (R), SD 23, opened the hearing on **SB 295,** Aviation maintenance technician day as day of observance.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

HEARING ON SB 285

Opening Statement by Sponsor:

SEN. BOB STORY (R), SD 30, opened the hearing on **SB 285,** Organize and simplify motor vehicle laws.

Proponents' Testimony:

00:20:07 **Brenda Norvall, Montana Department of Motor Vehicles**

00:23:21 **Dal Smilie, Montana Motorcyclists**

EXHIBIT(his33a02)

00:24:23 **Ronda Carpenter, Montana Snowmobile Association**
00:27:50 **Doug Abelin, Montana Trail Vehicle Riders Association**

00:28:10

Opponents' Testimony: None.

Informational Testimony:

00:28:22 **Bruce Spencer, Attorney**

Michele Calvert, Montana Motorcycle Riders Safety Association
00:29:05 **Michele Hand, Montana Motorcycle Riders Safety Association**

EXHIBIT(his33a03)

00:30:05
Questions from Committee Members and Responses:

00:33:15 **SEN. COCCHIARELLA for Ryan Jose, Department of Revenue**

00:42:37
Closing by Sponsor:

00:45:12

DRAFT BILL REQUEST

SEN. COCCHIARELLA requested **A DRAFT BILL REQUEST** with regard to the safe distance cars should remain behind school buses.

00:58:43
Discussion and questions from the committee:

00:47:18 **Brenda Norvall, Department of Motor Vehicles**
00:52:34 **Bob Gilbert, Montana School Bus Contractor's Association.**

01:00:36
Motion/Vote: SEN. BRUEGGEMAN moved DO PASS TO DRAFT A BILL. Motion carried unanimously by voice vote. SEN. PEASE voted aye by Proxy.

01:01:33

EXECUTIVE ACTION ON SB 318

Motion: SEN. LASLOVICH moved that SB 318 DO PASS.

01:02:58
Discussion:

EXHIBIT(his33a04)

01:04:22

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

HIGHWAYS AND TRANSPORTATION

DATE 2/10/2005

NAMES	PRESENT	ABSENT	EXCUSED
SEN. GERALD PEASE (D), CHAIRMAN			✓
SEN. VICKI COCCHIARELLA (D), VICE CHAIRWOMAN	✓		
SEN. JERRY BLACK (R)	✓		
SEN. JOHN BRUEGGEMAN (R)	✓		
SEN. SAM KITZENBERG (R)	✓		
SEN. JESSE LASLOVICH (D)	✓		
SEN. FRANK SMITH (D)	✓		
SEN. DONALD STEINBEISSER (R)	✓		
SEN. DAN WEINBERG (D)	✓		
TODD EVERTS, LSD	✓		
PEG HOLWICK, COMMITTEE SECRETARY	✓		

Montana State Legislature

Exhibit Number: 2

This exhibit exceeds front to back 5-page maximum; therefore only a small portion of the exhibit is scanned for your research. The original exhibit is on file at the Montana Historical Society and may be viewed there

Montana Historical Society Archives, 225 N. Roberts, Helena, MT 59620-1201; phone (406) 444-4774. For minutes in paper format, please contact the Montana State Law Library, Justice Building, 215 N. Sanders, Helena, MT 59620; (406) 444-3660. Tapes and exhibits are also available at the Historical Society (tapes are retained for five years). Scanning done by: Susie Hamilton

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 2
DATE: 2/11/2005
BILL NO. SB 285

February 3, 2005

Testimony of Dal Smilie in support of amending SB 285

Montana Motorcyclists volunteered to pay an additional amount on their vehicle registrations to support a new state-wide motorcycle safety training program. Since 1989 the Montana Motorcycle Rider Safety Program has trained about 40% of the amount of riders with a motorcycle endorsement in Montana. It is a national award winning program.

It is important that the rider volunteered fees stay with the safety program, as drafted SB 285 does not do that. It is important that the identity of the fees remains with the program.

Riders understand that legislators dislike "earmarked" funds because it is their duty to determine proper priorities for the use of public money. Unlike most earmarked funds these funds have been volunteered by the user group. They may be one of the few groups who deserve to retain the earmarking of the volunteered funds.

Rider groups have worked with Senator Story to keep these funds earmarked and to keep their identity. He has agreed to propose amendments that carry those goals out and we support those amendments.

Dal Smilie, Chairman
Montana Motorcycle Safety Advisory Committee

SB 285

Recodification of Motor Vehicle Laws to Clarify and Simplify

Current Law	SB 285
1. Numerous motor vehicle fees located in multiple sections of law.	Consolidate universal fee amounts for each vehicle type, and have a single section for fee amounts (61-3-321, MCA). Intent is revenue neutrality for each vehicle type. (Section 77)
2. Definitions for motor vehicle regulations, registration, and taxes located in numerous sections of law, and varying definitions for the same term.	Single definition section for motor vehicle regulations, registration, and taxes. Single definition for the same term. For instance, only one definition for motor vehicle. (Section 42)
3. Currently no relationship exists between who administers the motor vehicle tax database (DOJ) and who receives the funds (DOR).	Beginning July 1, 2006, DOJ will receive motor vehicle revenue from counties when their new database system is operational. (Section 5)
4. Allocation of revenue to state special accounts based on vehicle counts from two years prior.	Motor vehicle revenue transfers to state special accounts are based on a percentage of general fund collections. (Section 4)

Light Vehicles

Code	Short Description	MCA Reference	Amount
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$0.25
FC86	Under 2,850 lbs Veh. Registration	61-3-321(1)(a)	$17.00
FC87	Over 2,850 lbs Veh. Registration	61-3-321(1)(e)	$22.00
		Average	$21.25
FC61	Registration Rate or Flat Tax	61-3-560	
		4 yrs or less	$195.00
		5-10 yrs old	$65.00
		11 yrs or older	$6.00
	Proposed New Fee	4 yrs or less	$217.00
		5-10 yrs old	$87.00
		11 yrs or older	$28.00

Permanent Light Vehicles

Code	Short Description	MCA Reference	Amount
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$1.25
FC86	Under 2,850 lbs Veh. Registration	61-3-321(1)(a)	$17.00
FC87	Over 2,850 lbs Veh. Registration	61-3-321(1)(e)	$22.00
		Average	$21.25
FC23	Highway Patrol General Fund Fee	61-3-562(1)(b)	$2.00
FC61	Registration Rate or Flat Tax	61-3-562(1)(a)	$50.00
	5 x the Junk Veh. Disposal Fee	15-1-122(a)	$5.00
	5 x the Weed Control Fee	15-1-122(b)	$7.50
	Proposed New Fee		$67.50

Off Highway Vehicles

Code	Short Description	MCA Reference	Amount
FC45	Off-Highway Flat Fee	23-2-803	$40.00
FC46	Off-Highway Extra Fee	61-3-321(1)(d)	$19.25
FC47	Off-Highway Registration	23-2-817	$2.00
	Proposed New Fee		$61.25

Motorcycles

Code	Short Description	MCA Reference	Amount
* On-Road Use Only			
FC05	Motorcycle Flat Fee	61-3-527(1)(a)	$40.00
FC11	Highway Patrol Pension Fee	61-3-527(4)	$1.25
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$0.25
FC93	Motorcycle Registration	61-3-321(1)(h)	$11.25
	Proposed New Fee (On-Road Only)		$69.25
* On-Road and Off-Road Use			
FC05	Motorcycle Flat Fee	61-3-527(1)(a)	$40.00
FC11	Highway Patrol Pension Fee	61-3-527(4)	$1.25
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$0.25
FC93	Motorcycle Registration	61-3-321(1)(h)	$11.25
FC45	Off-Highway Flat Fee	23-2-803	$40.00
FC46	Off-Highway Extra Fee	61-3-321(1)(d)	$19.25
FC47	Off-Highway Registration	23-2-817	$2.00
	Proposed New Fee (On and Off-Road Use)		$134.50

Snowmobiles

Code	Short Description	MCA Reference	Amount
* Recreational			
FC16	Snowmobile Flat Fee	23-2-626(1)	$40.00
FC26	Snowmobile Registration Fee	23-2-616(3)	$20.50
	Proposed New Fee (Recreational)		$60.50
* Rental Snowmobiles			
FC16	Rental Snowmobile 1st Yr.	23-2-626(4)	$20.00
FC16	Rental Snowmobile 2nd Yr.	23-2-626(4)	$40.00
FC26	Snowmobile Registration Fee	23-2-616(3)	$20.50
	Proposed New Fee (Rental First Year)		$40.50
	Proposed New Fee (Rental Second Year)		$60.50

Watercraft

Code	Short Description	MCA Reference	Amount
FC40	Boat Flat Fee	23-2-517	
		Boats LT 16 ft	$50.00
		Boats 16 to 19 ft	$110.00
		Boats GT 19 ft	$280.00
FC41	Boat Registration Fee	23-2-512	$15.50
	Proposed New Fee	Boats LT 16 ft	$65.50
		Boats 16 to 19 ft	$125.50
		Boats GT 19 ft	$295.50

Heavy Vehicles

Code	Short Description	MCA Reference	Amount
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$0.25
FC87	Over 2,850 lbs Veh. Registration	61-3-321(1)(e)	$22.00
	Proposed New Fee		$22.75

Motor Homes

Code	Short Description	MCA Reference	Amount
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC58	RV Registration Fee	61-3-321(1)(l)	$9.75
FC92	Motor Home Registration	61-3-321(1)(g)	$22.25
FC09	Motor Home Flat Fee	61-3-522	
		less than 2yrs old	$250.00
		2 years old	$230.00
		3 years old	$195.00
		4 years old	$150.00
		Average 2 - 4 yrs old	*$191.75*
		5 years old	$125.00
		6 years old	$100.00
		7 years old	$75.00
		Average 5 - 7 yrs old	*$100.00*
		8 yrs & older	$65.00

BEST COPY AVAILABLE

SENATE HIGHWAYS AND TRANSPORTATION

EXHIBIT NO. 3

DATE SB 285 2/11/05

VIN

BILL NO. SB285

PLATE SQWEZR DATE 02232004

MONTANA VEHICLE REGISTRATION AND PAYMENT RECEIPT

TAXES PAID THROUGH 99999999 VALID THROUGH 99999999

TYP	YR	MAKE	MODL	STYL	COLOR	
MC	2000	BMW	MC	MC	BLU	WB10434A8YZA65310

TTL 5626376 SLDT 04282000 TKTRC

PLT1 SQWEZR TYP PE RCK MC SPEC MC TAB PX1068960

FUEL TYPE 1 EQUIP NO UNLADEN WGT 00000 TON

ENG T200 LNGTH EXEMPT STATUS

HAND,MICHELE,S
HAND,PETER
6520 DANIELLE LOO CT
MISSOULA MT 59803

FEE INFORMATION:

05	MCFLAT	20.00	11	HPPENS	1.25	12 VETFEE	0.50
13	TRNFEE	0.25	34	PERENW	16.00	57 MCSAFE	5.00
93	MCREG	9.75					

COUNTY INFORMATION:

TAXVAL	0.00	CO 04 SCH 3-3		PRORT 00	FEE N
VEHVAL	14600.00	MILL	0.000 PCC	TREAS DEP	12
CALCVAL		ASSD DATE	02237004	ASSD BY	

UNLAWFUL TO OPERATE VEH W/OUT VALID VEH LIABILITY INSURANCE POLICY, CERTIFICATE OF SELF-INSURANCE, OR POSTED INDEMNITY BOND. SR-22 REQUIRED BY P.U.C. IF UNLESS EXEMPT BY 61-6-303.

BEST COPY AVAILABLE

STATE OF MONTANA DEPARTMENT OF JUSTICE MOTOR VEH DIVISION

OPID 0412

STATE $ 46.75 COUNTY $ 0.00 TOTAL AMT $ 46.75

ORIGINAL - OWNER COPY/1 COPY - OWNER

AP PMT 15

MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

00:00:01
Call to Order: By **CHAIRMAN GERALD PEASE**, on February 15, 2005 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:
Sen. Gerald Pease, Chairman (D)
Sen. Jerry W. Black (R)
Sen. John Brueggeman (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Frank Smith (D)
Sen. Donald J. Steinbeisser (R)
Sen. Dan Weinberg (D)

Members Excused: None.

Members Absent: None.

Staff Present: Todd Everts, Legislative Branch
Peg Holwick, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	SB 404, 2/11/2005; SJ 21, 2/11/2005; SB 471, 2/11/2005; SR 3, 2/11/2005; SJ 22, 2/11/2005;
Executive Action:	SB 304, SB 285, SJ 21, SJ 22, SB 404, SR 3, SB 471

01:26:23
Motion/Vote: SEN. KITZENBERG moved that SB 304 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 285

01:28:38
Motion: SEN. COCCHIARELLA moved that SB 285 DO PASS.

01:28:38
Discussion:

EXHIBIT(his37a02)

01:29:27
Motion: SEN. COCCHIARELLA moved that SB 285 amendments DO PASS. Motion carried unanimously by voice vote.

01:29:31
Discussion: Amendments clarified by Todd Everts

EXHIBIT(his37a03)

01:33:53
Motion/Vote: SEN. COCCHIARELLA moved that SB 285 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SJ 21

01:34:37
Motion/Vote: SEN. BRUEGGEMAN moved that SJ 21 DO PASS. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SJ 22

01:35:07
Motion: SEN. COCCHIARELLA moved that SJ 22 DO PASS.

01:37:54
Discussion:

01:38:38
Motion/Vote: SEN. COCCHIARELLA moved that SJ 22 DO PASS. Motion carried unanimously by voice vote.

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

HIGHWAYS AND TRANSPORTATION

DATE 2/15/2005

NAMES	PRESENT	ABSENT	EXCUSED
SEN. GERALD PEASE (D), CHAIRMAN	✓		
SEN. VICKI COCCHIARELLA (D), VICE CHAIRWOMAN	✓		
SEN. JERRY BLACK (R)	✓		
SEN. JOHN BRUEGGEMAN (R)	✓		
SEN. SAM KITZENBERG (R)	✓		
SEN. JESSE LASLOVICH (D)	✓		
SEN. FRANK SMITH (D)	✓		
SEN. DONALD STEINBEISSER (R)	✓		
SEN. DAN WEINBERG (D)	✓		
TODD EVERTS, LSD	✓		
PEG HOLWICK, COMMITTEE SECRETARY	✓		

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 2
DATE: 2/15/05
BILL NO. SB 285

Amendments to Senate Bill No. 285
1st Reading Copy

Requested by Senator Bob Story

For the Senate Highways and Transportation Committee

Prepared by Greg Petesch
February 4, 2005 (9:13am)

1. Title, page 1, line 14.
Strike: "20-25-1002,"

2. Title, page 2, line 16.
Strike: "AND A TERMINATION DATE"

3. Page 8, line 16.
Following: "facilities,"
Insert: "5.2% in fiscal year 2006 and"
Following: "4.8%"
Insert: "in fiscal year 2007 and succeeding years"

4. Page 8, line 17.
Following: line 16
Insert: "(II) administer and enforce the provisions of Title 23, chapter 2, part 5, 20.8% in fiscal year 2006 and 19.1% in fiscal year 2007 and succeeding years;"
Renumber: subsequent subsections

5. Page 8, line 21.
Following: "23-1-105"
Insert: "in a amount equal to 43.8% in fiscal year 2006 and 48.3% in fiscal year 2007 and succeeding fiscal years"

6. Page 9, line 15.
Following: "year"
Insert: "with 21.30% in fiscal year 2006 and 24.55% in fiscal year 2007 and succeeding fiscal years"

7. Page 9, line 17.
Following: "and"
Insert: "with 78.70% in fiscal year 2006 and 75.45% in fiscal year 2007 and succeeding fiscal years to be deposited in"

8. Page 9, line 27.
Following: ";"
Insert: "and"

9. Page 10, line 4.
Strike: "; and"
Insert: "."

10. Page 10, line 7.
Strike: subsection (g) in its entirety

11. Page 32, lines 21 through 28.
Strike: section 20 in its entirety
Renumber: subsequent sections

12. Page 95, line 25.
Strike: "under 2,850 pounds"

13. Page 97, line 14.
Strike: "4"
Insert: "5"

14. Page 97, line 15.
Strike: "4"
Insert: "5"
Strike: "7"
Insert: "8"

15. Page 97, line 16.
Strike: "7"
Insert: "8"

16. Page 97, line 22.
Following: "(8)"
Insert: "(a)"

17. Page 97, line 25.
Strike: "$69.25"
Insert: "$53.25"

18. Page 97, line 26.
Strike: "$130.50"
Insert: "$114.50"
Following: "~~This fee is~~"
Insert: "(b) An additional fee of $5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, an additional fee of $16 must be collected for the registration of each motorcycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002. (c)"

19. Page 97, lines 27 and 28.
Following: "quadricycle." on line 27
Strike: remainder of line 27 through "20-25-1002." on line 28

20. Page 98, line 13.
Following: "(10)"
Insert: "(a)"

21. Page 98, line 19.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

22. Page 98, line 24.
Following: line 23
Insert: "(b) This fee is a one-time fee, except upon transfer of ownership of the motorboat, sailboat, personal watercraft, or motorized pontoon."

23. Page 100, lines 4 through 6.
Following: "(14)" on line 4
Strike: remainder of line 4 through "." on line 6
Insert: "When the license plates for a registered motor vehicle are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335, the owner of the motor vehicle shall pay a registration fee as follows:
(a) heavy trucks, buses, and logging trucks in excess of 1 ton, 75 cents;
(b) light vehicles, trucks and buses under 1 ton, and

logging trucks less than 1 ton:

(i) if the vehicle is 4 years old or less, $195.75;

(ii) if the vehicle is 5 years old through 10 years old, $65.75; and

(iii) if the vehicle is 11 years or more years old, $6.75;

(c) motor homes:

(i) less than 2 years old, $250.50;

(ii) 2 years old and less than 5 years old, $192.25;

(iii) 5 years old and less than 8 years old, $100.50; and

(iv) 8 years old and older, $65.50;

(d) motorcycles and quadricyles registered for use on the public highways, $42, and motorcycles and quadricycles registered for both off-road use and for use on the public highways, $103.25. This fee is a one-time fee, except upon transfer of ownership.

(e) travel trailers under 16 feet in length, $50.50, and travel trailers 16 feet in length or longer, $130.50. This fee is a one-time fee, except upon transfer of ownership.

(f) trailers, semitrailers, or pole trailers with a declared weight of less than 6,000 pounds, $52. This fee is a one-time fee, except upon transfer of ownership.

(g) trailers, semitrailers, or pole trailers with a declared weight of 6,000 pounds or more, $139. This fee is a one-time fee, except upon transfer of ownership."

24. Page 100, line 17.
Strike: "as provided in 15-1-122(3)(c)(vii)"

25. Page 199, line 5.
Strike: "204"
Insert: "203"

26. Page 199, line 21.
Strike: "204"
Insert: "203"

27. Page 199, line 30.
Strike: "204"
Insert: "203"

28. Page 229, line 4.
Strike: "204"
Insert: "203"

29. Page 229, line 6.
Strike: "204"
Insert: "203"

30. Page 229, lines 12 through 14.
Strike: section 244 in its entirety

- END -

SENATE HIGHWAYS ... NSPORTATION
EXHIBIT NO. 3
DATE 2/15/05
BILL NO. SB 285

Amendments to Senate Bill No. 285
1st Reading Copy

For the Senate Highways and Transportation Committee

Prepared by Todd Everts
February 12, 2005 (8:10am)

1. Page 98, line 29 through line 30.
Following: "year," on line 29
Strike: "the" on line 29 through "(11)(a)" on line 30
Insert: "a fee of $20"

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Bill 285** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Gerald Pease, Chair

And, that such amendments read:

1. Title, page 1, line 14.
Strike: "20-25-1002,"

2. Title, page 2, line 16.
Strike: "AND A TERMINATION DATE"

3. Page 8, line 16.
Following: "facilities,"
Insert: "5.2% in fiscal year 2006 and"
Following: "4.8%"
Insert: "in fiscal year 2007 and succeeding years"

4. Page 8, line 17.
Following: line 16
Insert: "(II) administer and enforce the provisions of Title 23, chapter 2, part 5, 20.8% in fiscal year 2006 and 19.1% in fiscal year 2007 and succeeding years;"
Renumber: subsequent subsections

5. Page 8, line 21.
Following: "23-1-105"
Insert: "in a amount equal to 43.8% in fiscal year 2006 and 48.3% in fiscal year 2007 and succeeding fiscal years"

Committee Vote:
Yes 9, No 0.

381037SC.sjo

6. Page 9, line 15.
Following: "year"
Insert: "with 21.30% in fiscal year 2006 and 24.55% in fiscal year 2007 and succeeding fiscal years"

7. Page 9, line 17.
Following: "and"
Insert: "with 78.70% in fiscal year 2006 and 75.45% in fiscal year 2007 and succeeding fiscal years to be deposited in"

8. Page 9, line 27.
Following: ";"
Insert: "and"

9. Page 10, line 4.
Strike: "; and"
Insert: "."

10. Page 10, line 7.
Strike: subsection (g) in its entirety

11. Page 32, lines 21 through 28.
Strike: section 20 in its entirety
Renumber: subsequent sections

12. Page 95, line 25.
Strike: "under 2,850 pounds"

13. Page 97, line 14.
Strike: "4"
Insert: "5"

14. Page 97, line 15.
Strike: "4"
Insert: "5"
Strike: "7"
Insert: "8"

15. Page 97, line 16.

Strike: "7"
Insert: "8"

16. Page 97, line 22.
Following: "(8)"
Insert: "(a)"

17. Page 97, line 25.
Strike: "$69.25"
Insert: "$53.25"

18. Page 97, line 26.
Strike: "$130.50"
Insert: "$114.50"
Following: "~~This fee is~~"
Insert: "(b) An additional fee of $5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, an additional fee of $16 must be collected for the registration of each motorcycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002. (c)"

19. Page 97, lines 27 and 28.
Following: "quadricycle." on line 27
Strike: remainder of line 27 through "20-25-1002." on line 28

20. Page 98, line 13.
Following: "(10)"
Insert: "(a)"

21. Page 98, line 19.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

22. Page 98, line 24.
Following: line 23
Insert: "(b) This fee is a one-time fee, except upon transfer of ownership of the motorboat, sailboat, personal watercraft, or motorized pontoon."

23. Page 100, lines 4 through 6.
Following: "(14)" on line 4
Strike: remainder of line 4 through "." on line 6
Insert: "When the license plates for a registered motor vehicle are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335, the owner of the motor vehicle shall pay a registration fee as follows:

(a) heavy trucks, buses, and logging trucks in excess of 1 ton, 75 cents;

(b) light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton:

(i) if the vehicle is 4 years old or less, $195.75;

(ii) if the vehicle is 5 years old through 10 years old, $65.75; and

(iii) if the vehicle is 11 years or more years old, $6.75;

(c) motor homes:

(i) less than 2 years old, $250.50;

(ii) 2 years old and less than 5 years old, $192.25;

(iii) 5 years old and less than 8 years old, $100.50; and

(iv) 8 years old and older, $65.50;

(d) motorcycles and quadricyles registered for use on the public highways, $42, and motorcycles and quadricycles registered for both off-road use and for use on the public highways, $103.25. This fee is a one-time fee, except upon transfer of ownership.

(e) travel trailers under 16 feet in length, $50.50, and travel trailers 16 feet in length or longer, $130.50. This fee is a one-time fee, except upon transfer of ownership.

(f) trailers, semitrailers, or pole trailers with a declared weight of less than 6,000 pounds, $52. This fee is a one-time fee, except upon transfer of ownership.

(g) trailers, semitrailers, or pole trailers with a declared weight of 6,000 pounds or more, $139. This fee is a one-time fee, except upon transfer of ownership."

24. Page 100, line 17.
Strike: "as provided in 15-1-122(3)(c)(vii)"

25. Page 199, line 5.
Strike: "204"
Insert: "203"

26. Page 199, line 21.
Strike: "204"
Insert: "203"

27. Page 199, line 30.
Strike: "204"
Insert: "203"

28. Page 229, line 4.
Strike: "204"
Insert: "203"

29. Page 229, line 6.
Strike: "204"
Insert: "203"

30. Page 229, lines 12 through 14.
Strike: section 244 in its entirety

- END -

SENATE BILL NO. 285

INTRODUCED BY STORY, BERGREN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE MOTOR VEHICLE LAWS; REORGANIZING AND RECODIFYING DEFINITIONS; REPLACING ALLOCATIONS OF MOTOR VEHICLE REVENUE TO SPECIAL ACCOUNTS WITH A PERCENTAGE OF THE REVENUE COLLECTED RATHER THAN AN AMOUNT PER VEHICLE; PROVIDING FOR THE DIRECT DEPOSIT OF THE OPTIONAL MOTOR VEHICLE REGISTRATION FEE FOR STATE PARKS; REVISING THE TRANSFER OF FUNDS BY COUNTY TREASURERS TO THE STATE; REQUIRING THE TRANSFER OF VEHICLE AND VESSEL TRANSACTION FEES TO THE DEPARTMENT OF JUSTICE BEGINNING ON JULY 1, 2006; REVISING AND CLARIFYING REGISTRATION FEES FOR WATERCRAFT, SNOWMOBILES, AND VEHICLES; COMBINING FEES IN LIEU OF TAX AND REGISTRATION FEES; AMENDING SECTIONS 10-2-112, 10-3-801, 15-1-101, 15-1-122, 15-1-504, 15-6-138, 15-6-201, 15-6-215, 15-8-201, 15-8-202, 15-15-201, 15-16-202, 15-24-301, 15-30-121, 15-50-207, 15-68-101, 20-9-331, 20-9-333, 20-9-360, ~~20-25-1002,~~ 23-1-128, 23-2-512, 23-2-513, 23-2-515, 23-2-519, 23-2-601, 23-2-614, 23-2-616, 23-2-619, 23-2-631, 23-2-634, 23-2-641, 23-2-642, 23-2-644, 23-2-804,

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

Due to length of this bill, the 2nd reading (yellow) copy won't be printed here. Please contact the Law Library or Legislative Services for it.

FISCAL NOTE

Bill #: SB0285 **Title:** Organize and simplify motor vehicle laws

Primary Sponsor: Story, B **Status:** As Amended in Senate Committee

2-16-05 2/19/05

Sponsor signature Date David Ewer, Budget Director Date

Fiscal Summary

	FY 2006 Difference	FY 2007 Difference
Expenditures:		
General Fund	$47,813	$44,837
State Special Revenue	$0	$0
Revenue:		
General Fund	$47,813	$44,837
State Special Revenue	$0	$0
Net Impact on General Fund Balance:	$0	$0

- ☐ Significant Local Gov. Impact
- ☐ Included in the Executive Budget
- ☐ Dedicated Revenue Form Attached
- ☒ Technical Concerns
- ☐ Significant Long-Term Impacts
- ☐ Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

1. SB 285 simplifies and clarifies motor vehicle laws by revising four main areas of motor vehicle statute:
   (1) multiple fees are combined to reduce the absolute number of fees,
   (2) motor vehicle related definitions are made specific and moved to one section of law,
   (3) collections of motor vehicle revenues are moved to the Department of Justice (DOJ), and
   (4) motor vehicle transfers to agencies are changed from being based on vehicle counts from prior years, to a percentage of current general fund revenue collections.
2. Under current law, there are numerous fee amounts located in multiple locations. SB 285 consolidates fee amounts paid universally by like vehicles and provides for them in a single location; 61-3-321, MCA. The total fee amounts by vehicle type are the same as under current law. For instance, along with GVW and other fees, all heavy vehicles currently pay three separate fees of $0.25, $0.50, and $22,00; each of the fee amounts are provided for in separate sections of statute. Under the proposal, all heavy vehicles would pay a single registration fee of $22.75 (along with other current law fees and taxes based on multiple criteria).
3. SB 285 consolidates only fees paid universally. Other taxes and fees are still assessed and distributed based on current law; these include county option taxes, GVW fees, title fees, plate fees, personalized plate fees, specialty license plate amounts, donations, etc.

SB 285 #2

4. Current motor vehicle definitions are located in several areas of law, and the same word or term could have different meanings in reference to different motor vehicle regulations, registration, and taxes. SB 285 creates a single section of law for motor vehicle definitions, and a single term has one meaning. SB 285 by making the laws specific will make interpreting the law less complex.
5. Effective July 1, 2006, the reporting of motor vehicle and driver licensing revenues is transferred to the Department of Justice (DOJ). DOJ's new accounting system for motor vehicle and driver licensing applications will be in operation when this transfer occurs. The development and design of the new accounting system will incorporate the requirements of accounting for these monies.
6. Motor vehicle revenue transfers to agencies are currently based on prior years counts of certain motor vehicles. For example FY 2005 transfers are based on calendar 2003 vehicle information. This causes problems when a new fee transfer is necessary because specific data does not exist for a new fee. For example, the transfer amount for the optional $4 parks recreation fee that became effective January 1, 2004, could not be determined for FY 2005 because data was not available until January 2005, or FY 2006.
7. SB 285 changes the current bases for transfers to agencies from a prior year vehicle count, to a percentage of total general fund collections. This change will effectively remove the lag from when revenue is received and when it is transferred. Additionally, by attaching each transfer to general fund vehicle collections and growth, it will work to stabilize transfer amounts to agencies.

Fiscal Impacts

8. DOJ anticipates revenue *increases* equal to the cost of one auditor position, or $47,813 in FY 2006, and $44,837 in FY 2007.

Administrative Costs

9. DOJ anticipates an additional one FTE (Grade 15) will be needed for auditing and training. The cost for one FTE is $40,761 in FY 2006, and $40,761 in FY 2007.
10. One time start up operating costs of $2,976 in FY 2006 for a new employee package, including a desk, chair, 3-shelf bookcase, computer, and 2-drawer file cabinet.
11. Ongoing operating costs in FY 2006 and subsequent years are estimated at $4,076 for phones, supplies, communications, computer usage, and travel.
12. Total cost of one auditor position is estimated at $47,813 ($40,761 + $2,976 + $4,076) in FY 2006, and $44,837 ($40,761 + $4,076) in FY 2007. However, per assumption #8, DOJ anticipates additional revenue equal to the cost of the 1 FTE auditor.

Fiscal Note Request SB0285, As Amended in Senate Committee
(continued)

FISCAL IMPACT:

	FY 2006 Difference	FY 2007 Difference
FTE	1	1
Expenditures:		
Personal Services	$40,761	$40,761
Equipment	$7,052	$4,076
TOTAL	$47,813	$44,837
Funding of Expenditures:		
General Fund (01)	$47,813	$44,837
Revenues:		
General Fund (01)	$47,813	$44,837
State Special Revenue	$0	$0
Net Impact to Fund Balance (Revenue minus Funding of Expenditures):		
General Fund (01)	$0	$0
State Special Revenue	$0	$0

TECHNICAL NOTES:

1. LC0761 is a proposal that would also significantly amend motor vehicle statute, including fee and tax statutes. If both SB 285 and LC0761 pass, coordination language would be necessary.
2. LC0299 revises registration and licensing for quadricycles. If both SB 285 and LC0299 pass, coordination language would be necessary.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN SCOTT MENDENHALL**, on March 11, 2005 at 3:10 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Scott Mendenhall, Chairman (R)
Rep. Jill Cohenour, Vice Chairman (D)
Rep. Bernie Olson, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. John Balyeat (R)
Rep. Bob Bergren (D)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Gary MacLaren (R)

Members Excused:

Rep. Larry Jent (D)
Rep. Monica Lindeen (D)
Rep. Bruce Malcolm (R)

Members Absent: None.

Staff Present: Kyanne Kelly, Committee Secretary
Leanne Kurtz, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 123, 3/7/2005; SB 277, 3/7/2005; SB 285, 3/7/2005
Executive Action: SB 123, SB 38, HB 759, SB 39, SB 102, SB 164, SB 194, SB 244

EXECUTIVE ACTION ON SB 123

Motion/Vote: REP. OLSON moved that SB 123 BE CONCURRED IN. Motion carried unanimously by voice vote. REPS. LINDEEN and MALCOLM voted by proxy. REP. KEANE to carry.

EXECUTIVE ACTION ON SB 38

Motion: REP. OLSON moved that SB 38 BE CONCURRED IN.

Motion: REP. GOLIE moved that SB 38 BE AMENDED.

Discussion:
00:43:36
EXHIBIT(trh54a01)

Vote: Motion carried unanimously by voice vote. REPS. LINDEEN, and MALCOLM voted by proxy.

Motion: REP. GOLIE moved that SB 38 BE CONCURRED IN AS AMENDED.

Discussion:
00:46:35

Vote: Motion carried 9-3 by roll call vote with REP. BALYEAT, REP. MALCOLM, and REP. MENDENHALL voting no. REPS. LINDEEN and MALCOLM voted by proxy. REP. GOLIE to carry.

HEARING ON SB 285

Opening Statement by Sponsor:

SEN. BOB STORY (R), SD 30, opened the hearing on **SB 285,** Organize and simplify motor vehicle laws.
00:51:49
EXHIBIT(trh54a02)

Proponents' Testimony:

00:57:44	Brenda Nordlund, Department of Justice
01:04:15	Rhonda Carpenter Wiggers, Snowmobile Association and Montana Treasurers Association
01:08:50	Doug Abelin, Trail Riders Association
01:09:22	Jim Currie, Department of Transportation

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
01:09:59

Closing by Sponsor:
01:26:50

EXECUTIVE ACTION ON HB 759

Motion: **REP. OLSON moved that HB 759 DO PASS.**

Discussion:
01:30:31

Vote: **Motion carried unanimously by voice vote. REPS. LINDEEN and MALCOLM voted by proxy.**

EXECUTIVE ACTION ON SB 39

Motion: **REP. OLSON moved that SB 39 BE CONCURRED IN.**

Motion: **REP. OLSON moved that SB 39 BE AMENDED.**

Discussion:
01:33:06
EXHIBIT(trh54a03)

Vote: **Motion carried unanimously by voice vote. REPS. LINDEEN and MALCOLM voted by proxy.**

Motion: **REP. OLSON moved that SB 39 BE CONCURRED IN AS AMENDED.**

Discussion:
01:35:19

Vote: **Motion carried unanimously by voice vote. REPS. LINDEEN, and MALCOLM voted by proxy. REP. GOLIE to carry.**

HOUSE OF REPRESENTATIVES
Roll Call
TRANSPORTATION COMMITTEE

DATE 3.11.05

NAME	PRESENT	ABSENT	EXCUSED
REP. SCOTT MENDENHALL, CHAIR	✓		
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. JOHN BALYEAT	✓		
REP. BOB BERGREN	✓		[redacted]
REP. GEORGE GOLIE	✓		
REP. LARRY JENT			✓
REP. JIM KEANE	✓		
REP. MONICA LINDEEN			✓
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM			✓

SB 285

Recodification of Motor Vehicle Laws to Clarify and Simplify

Current Law	SB 285
1. Numerous motor vehicle fees located in multiple sections of law.	Consolidate universal fee amounts for each vehicle type, and have a single section for fee amounts (61-3-321, MCA). Intent is revenue neutrality for each vehicle type. (Section 77)
2. Definitions for motor vehicle regulations, registration, and taxes located in numerous sections of law, and varying definitions for the same term.	Single definition section for motor vehicle regulations, registration, and taxes. Single definition for the same term. For instance, only one definition for motor vehicle. (Section 42)
3. Currently no relationship exists between who administers the motor vehicle tax database (DOJ) and who receives the funds (DOR).	Beginning July 1, 2006, DOJ will receive motor vehicle revenue from counties when their new database system is operational. (Section 5)
4. Allocation of revenue to state special accounts based on vehicle counts from two years prior.	Motor vehicle revenue transfers to state special accounts are based on a percentage of general fund collections. (Section 4)

EXHIBIT 2
DATE 3.11.05
SB 285

Light Vehicles

Code	Short Description	MCA Reference	Amount
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$0.25
FC86	Under 2,850 lbs Veh. Registration	61-3-321(1)(a)	$17.00
FC87	Over 2,850 lbs Veh. Registration	61-3-321(1)(e)	$22.00
		Average	$21.25
FC61	Registration Rate or Flat Tax	61-3-560	
		4 yrs or less	$195.00
		5-10 yrs old	$65.00
		11 yrs or older	$6.00
	Proposed New Fee		$26.00

Permanent Light Vehicles

Code	Short Description	MCA Reference	Amount
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$1.25
FC86	Under 2,850 lbs Veh. Registration	61-3-321(1)(a)	$17.00
FC87	Over 2,850 lbs Veh. Registration	61-3-321(1)(e)	$22.00
		Average	$21.25
FC23	Highway Patrol General Fund Fee	61-3-562(1)(b)	$2.00
FC61	Registration Rate or Flat Tax	61-3-562(1)(a)	$50.00
	5 x the Junk Veh. Disposal Fee	15-1-122(a)	$5.00
	5 x the Weed Control Fee	15-1-122(b)	$7.50
	Proposed New Fee		$87.50

Off Highway Vehicles

Code	Short Description	MCA Reference	Amount
FC45	Off-Highway Flat Fee	23-2-803	$40.00
FC46	Off-Highway Extra Fee	61-3-321(1)(d)	$19.25
FC47	Off-Highway Registration	23-2-817	$2.00
	Proposed New Fee		$61.25

Motorcycles

Code	Short Description	MCA Reference	Amount
* On-Road Use Only			
FC05	Motorcycle Flat Fee	61-3-527(1)(a)	$40.00
FC11	Highway Patrol Pension Fee	61-3-527(4)	$1.25
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$0.25
FC93	Motorcycle Registration	61-3-321(1)(h)	$11.25
	Proposed New Fee (On-Road Only)		$53.25
* On-Road and Off-Road Use			
FC05	Motorcycle Flat Fee	61-3-527(1)(a)	$40.00
FC11	Highway Patrol Pension Fee	61-3-527(4)	$1.25
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$0.25
FC93	Motorcycle Registration	61-3-321(1)(h)	$11.25
FC45	Off-Highway Flat Fee	23-2-803	$40.00
FC46	Off-Highway Extra Fee	61-3-321(1)(d)	$19.25
FC47	Off-Highway Registration	23-2-817	$2.00
	Proposed New Fee (On and Off-Road Use)		$114.50

Snowmobiles

Code	Short Description	MCA Reference	Amount
* Recreational			
FC16	Snowmobile Flat Fee	23-2-626(1)	$40.00
FC26	Snowmobile Registration Fee	23-2-616(3)	$20.50
	Proposed New Fee (Recreational)		$60.50
* Rental Snowmobiles			
FC16	Rental Snowmobile 1st Yr.	23-2-626(4)	$20.00
FC16	Rental Snowmobile 2nd Yr.	23-2-626(4)	$40.00
FC26	Snowmobile Registration Fee	23-2-616(3)	$20.50
	Proposed New Fee (Rental First Year)		$40.50
	Proposed New Fee (Rental Second Year)		$60.50

Watercraft

Code	Short Description	MCA Reference	Amount
FC40	Boat Flat Fee	23-2-517	
		Boats LT 16 ft	$50.00
		Boats 16 to 19 ft	$110.00
		Boats GT 19 ft	$280.00
FC41	Boat Registration Fee	23-2-512	$15.50
	Proposed New Fee	Boats LT 16 ft	$65.50
		Boats 16 to 19 ft	$125.50
		Boats GT 19 ft	$295.50

Heavy Vehicles

Code	Short Description	MCA Reference	Amount
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$0.25
FC87	Over 2,850 lbs Veh. Registration	61-3-321(1)(e)	$22.00
	Proposed New Fee		$22.75

Motor Homes

Code	Short Description	MCA Reference	Amount
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC58	RV Registration Fee	61-3-321(1)(l)	$9.75
FC92	Motor Home Registration	61-3-321(1)(g)	$22.25
FC09	Motor Home Flat Fee	61-3-522	
		less than 2yrs old	$250.00
		2 years old	$230.00
		3 years old	$195.00
		4 years old	$150.00
		Average 2 - 4 yrs old	*$191.75*
		5 years old	$125.00
		6 years old	$100.00
		7 years old	$75.00
		Average 5 - 7 yrs old	*$100.00*
		8 yrs & older	$65.00
	Proposed New Fee	less than 2yrs old	$281.25
		2 years old	$221.25
		3 to 7 years old	$132.50
		8 yrs & old	$97.50

Trailers

Code	Short Description	MCA Reference	Amount
FC11	Highway Patrol Pension Fee	61-3-530(4)	$1.25
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC13	Senior Citizen Transp. Fee	61-3-321(6)	$0.25
FC63	Trailer Flat Registration Fee	61-3-530	
		Over 6k lbs	$130.00
		Under 6k lbs	$50.00
FC88	Trailer Registration Fee	61-3-321(1)	
		Under 2.5k lbs	$8.25
		2.5k to 6k lbs	$11.25
		Weighted Average Under 6k	***$9.25***
		Over 6k lbs	$16.25
	Proposed New Fee	Over 6k lbs	$143.75
		Under 6k lbs	$61.25

Travel Trailers

Code	Short Description	MCA Reference	Amount
FC12	Vet. Service Fee	61-3-321(7)	$0.50
FC58	RV Registration Fee	61-3-321(1)(l)	$9.75
FC91	RV Registration Fee	61-3-321(1)(k)	$11.75
FC18	RV Flat Fee	61-3-523	
		Over 16 ft in Length	$130.00
		Under 16 ft in Length	$50.00
	Proposed New Fee	Over 16 ft in Length	$152.00
		Under 16 ft in Length	$72.00

VISITORS REGISTER

Montana
House of Representatives
Transportation Committee

Bill Number: SB 285 Date: 3/11/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Jim Currie	MDT	X		
Ronda Carpenter-Wiggers	Mt County Treasurers	X		
Ronda Carpenter-Wiggers	Mt Snowmobile Assoc	X		
Dave Ahlin	MTURPA	X		
Judy Paynter	OBPP	X		
Brenda Nordlund	MT DoJ	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN SCOTT MENDENHALL**, on March 21, 2005 at 3:12 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Scott Mendenhall, Chairman (R)
Rep. Jill Cohenour, Vice Chairman (D)
Rep. Bernie Olson, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. John Balyeat (R)
Rep. Bob Bergren (D)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Monica Lindeen (D)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)

Members Excused:

Rep. Larry Jent (D)

Members Absent: None.

Staff Present: Kyanne Kelly, Committee Secretary
Leanne Kurtz, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 769, 3/16/2005
Executive Action: SB 164, SB 174, SB 277, SB 285, SB 459, SB 465, SB 487, SJ 22, HB 769

Discussion:
00:32:05
EXHIBIT(trh62a01)

Vote: Motion carried unanimously by voice vote. REP. MACCLARAN voted by proxy.

Motion/Vote: REP. OLSON moved that SB 164 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. REP. MACCLARAN voted by proxy. REP. GRINDE to carry.

REP. MACCLARAN entered the room.

EXECUTIVE ACTION ON SB 174

Motion: REP. OLSON moved that SB 174 BE CONCURRED IN.

Discussion:
00:35:55

Vote: Motion carried 8-4 by roll call vote with REP. BERGREN, REP. COHENOUR, REP. GOLIE, and REP. LINDEEN voting no. REP. BERGREN voted by proxy. REP. OLSON to carry.

EXECUTIVE ACTION ON SB 277

Motion: REP. OLSON moved that SB 277 BE CONCURRED IN.

Discussion:
00:45:10

Vote: Motion carried 8-4 by roll call vote with REP. BERGREN, REP. COHENOUR, REP. GOLIE, and REP. KEANE voting no. REP. BERGREN voted by proxy. REP. MCNUTT to carry.

EXECUTIVE ACTION ON SB 285

Motion: REP. OLSON moved that SB 285 BE CONCURRED IN.

Discussion:
00:48:24

Motion: REP. OLSON moved that SB 285 BE AMENDED.

Discussion:
00:49:00
EXHIBIT(trh62a02)

Vote: Motion carried unanimously by voice vote. REP. BERGREN voted by proxy.

Motion: REP. OLSON moved that SB 285 BE CONCURRED IN AS AMENDED.

Motion: REP. OLSON moved that SB 285 BE FURTHER AMENDED.

Discussion:
00:50:13
EXHIBIT(trh62a03)

Vote: Motion carried unanimously by voice vote. REP. BERGREN voted by proxy.

Motion: REP. OLSON moved that SB 285 BE CONCURRED IN AS AMENDED.
Motion: REP. OLSON moved that SB 285 BE AMENDED.

Discussion:
00:56:57
EXHIBIT(trh62a04)

Vote: Motion carried unanimously by voice vote. REP. BERGREN voted by proxy.

Motion/Vote: REP. OLSON moved that SB 285 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. REP. BERGREN voted by proxy. REP. BERGREN to carry.

EXECUTIVE ACTION ON SB 459

Motion: REP. OLSON moved that SB 459 BE CONCURRED IN.

Discussion:
00:58:47

Vote: Motion carried 11-1 by voice vote with REP. GOLIE voting no. REP. BERGREN voted by proxy. REP. OLSON to carry.

EXECUTIVE ACTION ON SB 465

Motion: REP. OLSON moved that SB 465 BE CONCURRED IN.

HOUSE OF REPRESENTATIVES
Roll Call
TRANSPORTATION COMMITTEE

DATE 3.21.05

NAME	PRESENT	ABSENT	EXCUSED
REP. SCOTT MENDENHALL, CHAIR	✓		
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. JOHN BALYEAT	✓		
REP. BOB BERGREN	✓		
REP. GEORGE GOLIE	✓		
REP. LARRY JENT			✓
REP. JIM KEANE	✓		
REP. MONICA LINDEEN	✓		
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM	✓		

EXHIBIT 2
DATE 3.21.05
SB 285

Amendments to Senate Bill No. 285
3rd Reading Copy

For the House Transportation Committee

Prepared by Leanne Kurtz
March 18, 2005 (4:42pm)

1. Page 8, line 8.
Strike: "1.61%"
Insert: "1.54%"

2. Page 8, line 9.
Strike: "1.56%"
Insert: "1.52%"

- END -

EXHIBIT 3
DATE 3-21-05
SB 285

Amendments to Senate Bill No. 285
3rd Reading Copy

Requested by Representative Scott Mendenhall

For the House Transportation Committee

Prepared by Leanne Kurtz
March 15, 2005 (1:58pm)

1. Page 99, line 9.
Strike: "A"
Insert: "If a"
Following: "snowmobile"
Strike: "that"
Following: "and"
Strike: "that"

2. Page 99, line 10.
Following: "customers"
Insert: ", the business"

3. Page 99, lines 12 and 13.
Following: "year."
Insert: "a fee of $20. If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed"

- END -

EXHIBIT 4
DATE 3.21.05
SB 285

Amendments to Senate Bill No. 285
3rd Reading Copy

For the House Transportation Committee

Prepared by Leanne Kurtz
March 21, 2005 (9:35am)

1. Page 230.
Following: line 10
Insert: "COORDINATION SECTION. **Section 242. Coordination instruction.** If both House Bill No. 752 and [this act] are passed and approved, section 61-3-204 must read as follows:

"61-3-204. Replacement certificate of title -- application. (1) If a certificate of title is lost, stolen, destroyed, mutilated, or becomes illegible or if the owner wants to update personal information on the electronic record of title or have a replacement certificate of title issued with updated information, the owner, as shown on the electronic record of title, may apply for and request the department to issue a replacement certificate of title. The application must include satisfactory evidence of the facts requiring the replacement certificate of title and be accompanied by a fee of ~~$10~~ $11. Of the ~~$10~~ $11 fee, $5 must be deposited in the state general fund in accordance with 15-1-504, ~~and the remaining~~ $5 must be ~~forwarded to the department for deposit~~ deposited in the motor vehicle information technology system account provided for in 61-3-550, and the remaining $1 must be deposited in the court information technology improvement program account provided for in [section 5 of House Bill No. 752].

(2) Each replacement certificate of title issued by the department must contain the following statement: "This replacement voids any previously issued title.""
{*Internal References to 61-3-204:*
x31-1-818 *x61-3-550* *x61-3-550*}"
Insert: "COORDINATION SECTION. **Section 243. Coordination instruction.** If both House Bill No. 275 and [this act] are passed and approved, then the code commissioner shall change all references to vehicle in subsection (2)(b)(iii) of 61-3-208 in House Bill No. 275 to references to motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile."
Insert: "COORDINATION SECTION. **Section 244. Coordination instruction.** If both Senate Bill No. 79 and [this act] are passed and approved, then the code commissioner shall change all references to vehicle in subsection (1) of 61-3-460 in Senate Bill No. 79 to references to motor vehicle."
Insert: "COORDINATION SECTION. **Section 245. Coordination instruction.** If both Senate Bill No. 68 and [this act] are passed and approved, then [section 4] of Senate Bill No. 68 must read as

follows:

"**NEW SECTION. Section 4. Property subject to registration fee.** The following property that is subject to a registration fee is exempt from property taxation:

(1) truck canopy covers or toppers and campers;

(2) motor homes;

(3) all watercraft;

(4) all trailers, semitrailers, pole trailers, and travel trailers as those terms are defined in 61-1-101;

(5) all vehicles registered under 61-3-456;

(6) (a) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(b) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (6)(a);

(7) motorcycles and quadricycles; and

(8) light vehicles as defined in 61-1-101.""

Renumber: subsequent section

- END -

COMMITTEE PROXY

DATE: _____

I request to be excused from the Transportation

Committee because of other commitments. I desire to leave my proxy vote with:

_____

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

	HOUSE BILL/AMENDMENT	AYE	NO
1/21/05	HB824		✓
	HB187 Amend as Amend	✓	
	HB276	✓	
2/10/05	HB604 DP Tied	✓	
3/2/05	HB79 DP	✓	
3/4/05	~~HB248~~ Amend	✓	
	DPAA	✓	
	SB9 DP	✓	
3/7/04	SB46 DP	✓	
	TABLE	✓	
	SB1 DP	✓	
	TABLE	✓	

	SENATE BILL/AMENDMENT	AYE	NO
	SB38 Cole Amend	✓	una
3/14/05	SB304 DP 5-7	✓	
	TABLE	✓	
	SB369 Amend	✓	
	DPAA.	✓	una.
	SB174 DP		✓ 8-4 3/21/05
	SB277 DP		✓ 8-4
	SB285 Amend 01	✓	una
	Amend 02	✓	una
	Amend 03	✓	una
	SB285 DPAA.	✓	una
	SB459 DP	✓	11-✓
	SB465 DP	✓	4-8 fails
	TABLE	✓	una
	SB487 Amend 02	✓	una
	SJ22 DP	✓	8-4 passes
	HB769 DP.	✓	7-5 passes

Rep./Sen. _____ (Signature)

S:\PROXY 2005.wpd

BOG

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Transportation** recommend that **Senate Bill 285** (second house second reading copy -- tan) **be concurred in as amended.**

Signed: Scott Mendenhall
Representative Scott Mendenhall, Chair

To be carried by Representative Bob Bergren

And, that such amendments read:

1. Page 8, line 8.
Strike: "1.61%"
Insert: "1.54%"

2. Page 8, line 9.
Strike: "1.56%"
Insert: "1.52%"

3. Page 99, line 9.
Strike: "A"
Insert: "If a"
Following: "snowmobile"
Strike: "that"
Following: "and"
Strike: "that"

4. Page 99, line 10.
Following: "customers"
Insert: ", the business"

Committee Vote:
Yes 12, No 0.

630928SC.hkh
3/22/05
jbm

FISCAL NOTE

Bill #: SB0285 **Title:** Organize and simplify motor vehicle laws

Primary Sponsor: Story, B **Status:** As Amended in House Committee

Sponsor signature Date David Ewer, Budget Director 3/25/05 Date

Fiscal Summary

	FY 2006 Difference	FY 2007 Difference
Expenditures:		
General Fund	($2,752,187)	($2,755,163)
State Special Revenue	$0	$0
Revenue:		
General Fund	($2,752,187)	($2,755,163)
State Special Revenue	$0	$0
Net Impact on General Fund Balance:	$0	$0

☐	Significant Local Gov. Impact	☒	Technical Concerns
☐	Included in the Executive Budget	☐	Significant Long-Term Impacts
☐	Dedicated Revenue Form Attached	☐	Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

1. SB 285 simplifies and clarifies motor vehicle laws by revising four main areas of motor vehicle statute:
   (1) multiple fees are combined to reduce the absolute number of fees,
   (2) motor vehicle related definitions are made specific and moved to one section of law,
   (3) collections of motor vehicle revenues are moved to the Department of Justice (DOJ), and
   (4) motor vehicle transfers to agencies are changed from being based on vehicle counts from prior years, to a percentage of current general fund revenue collections.
2. Under current law, there are numerous fee amounts located in multiple locations. SB 285 consolidates fee amounts paid universally by like vehicles and provides for them in a single location; 61-3-321, MCA. The total fee amounts by vehicle type are the same as under current law. For instance, along with GVW and other fees, all heavy vehicles currently pay three separate fees of $0.25, $0.50, and $22,00; each of the fee amounts are provided for in separate sections of statute. Under the proposal, all heavy vehicles would pay a single registration fee of $22.75 (along with other current law fees and taxes based on multiple criteria).
3. SB 285 consolidates only fees paid universally. Other taxes and fees are still assessed and distributed based on current law; these include county option taxes, GVW fees, title fees, plate fees, personalized plate fees, specialty license plate amounts, donations, etc.

SB 285 #3

4. Current motor vehicle definitions are located in several areas of law, and the same word or term could have different meanings in reference to different motor vehicle regulations, registration, and taxes. SB 285 creates a single section of law for motor vehicle definitions, and a single term has one meaning. SB 285 by making the laws specific will make interpreting the law less complex.
5. Effective July 1, 2006, the reporting of motor vehicle and driver licensing revenues is transferred to the Department of Justice (DOJ). DOJ's new accounting system for motor vehicle and driver licensing applications will be in operation when this transfer occurs. The development and design of the new accounting system will incorporate the requirements of accounting for these monies.
6. Motor vehicle revenue transfers to agencies are currently based on prior years counts of certain motor vehicles. For example FY 2005 transfers are based on calendar 2003 vehicle information. This causes problems when a new fee transfer is necessary because specific data does not exist for a new fee. For example, the transfer amount for the optional $4 parks recreation fee that became effective January 1, 2004, could not be determined for FY 2005 because data was not available until January 2005, or FY 2006.
7. SB 285 changes the current bases for transfers to agencies from a prior year vehicle count, to a percentage of total general fund collections. This change will effectively remove the lag from when revenue is received and when it is transferred. Additionally, by attaching each transfer to general fund vehicle collections and growth, it will work to stabilize transfer amounts to agencies.
8. SB 285 changes where the $4.00 optional state parks fee specified in 61-3-321, new sub (18)(a), is deposited. Current law specifies that the revenue amounts are deposited to the general fund, then transferred via 15-1-122, MCA, to the state special revenue fund to the credit of Fish, Wildlife & Parks (FWP) for state parks. SB 285 accounts for and transmits the amounts collected from this fee directly into the state special revenue fund for state parks. Per assumption #6, because the current law transfer mechanism to agencies uses prior year vehicle counts, this revenue could not be transferred via current law: DOR already accounts for these amounts separately and places these fees directly into the state special revenue fund for state parks. SB 285 revises the law to account for practicality and current practice. The $4.00 optional fee is expected to generate $2.8 million a year over the biennium. General fund revenue is reduced by $2.8 million, but an offsetting $2.8 million is saved from the general fund since this transfer is no longer made. Both the general fund and the state special revenue account for state parks have a net revenue impact of $0 with SB 285 changing how the $4.00 fee is deposited.
9. Under current law, snowmobiles used exclusively as daily rentals pay registration fees equal to $40.50 the first year of registration, then the full permanent registration fees would be due in the second year (equal to $60.50). SB 285 amended, allows owners of snowmobiles used exclusively as daily rentals to register in the second year for $20, before being required to permanently register the snowmobile in the third year and pay the full amount of fees equal to $60.50. SB 285 amended will in effect allow owners of these snowmobiles to register the snowmobile for a two-year period for $60.50, or what they would have paid had they permanently registered the snowmobile. It is unknown how many snowmobiles would register in the second year under this amendment, but the fiscal impacts are expected to be nominal.

Fiscal Impacts

10. DOJ anticipates revenue *increases* equal to the cost of one auditor position, or $47,813 in FY 2006, and $44,837 in FY 2007.

Administrative Costs

11. DOJ anticipates an additional one FTE (Grade 15) will be needed for auditing and training. The cost for one FTE is $40,761 in FY 2006, and $40,761 in FY 2007.

12. One time start up operating costs of $2,976 in FY 2006 for a new employee package, including a desk, chair, 3-shelf bookcase, computer, and 2-drawer file cabinet.
13. Ongoing operating costs in FY 2006 and subsequent years are estimated at $4,076 for phones, supplies, communications, computer usage, and travel.
14. Total cost of one auditor position is estimated at $47,813 ($40,761 + $2,976 + $4,076) in FY 2006, and $44,837 ($40,761 + $4,076) in FY 2007. However, per assumption #8, DOJ anticipates additional revenue equal to the cost of the 1 FTE auditor.

FISCAL IMPACT:

	FY 2006 Difference	FY 2007 Difference
FTE	1	1
Expenditures:		
Personal Services	$40,761	$40,761
Equipment	$7,052	$4,076
Transfer *(FW&P $4 optional fee)*	($2,800,000)	($2,800,000)
TOTAL *(Savings)*	($2,752,187)	($2,755,163)
Funding of Expenditures:		
General Fund (01) *(Savings)*	($2,752,187)	($2,755,163)
Revenues:		
General Fund (01)	($2,752,187)	($2,755,163)
State Special Revenue (02)	$0	$0
Net Impact to Fund Balance (Revenue minus Funding of Expenditures):		
General Fund (01)	$0	$0
State Special Revenue	$0	$0

TECHNICAL NOTES:

1. SB 671 is a proposal that would also significantly amend motor vehicle statute, including fee and tax statutes. If both SB 285 and SB 671 pass, coordination language would be necessary.
2. SB 318 revises registration and licensing for quadricycles. If both SB 285 and SB 318 pass, coordination language would be necessary.
3. SB 518 allows the owner of a motorcycle, off-road vehicle, snowmobile, travel trailer, or watercraft the option of registering the vehicle annually. This bill and SB 518 would have conflicting statutes because under SB 285 universal fee amounts for motorcycle, off-road vehicle, snowmobile, travel trailer, or watercrafts are combined. SB 518 by allowing the optional annual registration of these vehicles alters these fees so that they are no longer universal. Additionally, SB 285 changes the transfers to agencies from being based on prior year vehicle counts, to be based on a percentage of current general fund revenues. Significant modifications to SB 285 would be necessary to coordinate with SB 518 if both were passed.
4. HB 87, like SB 285 transfer fleet vehicle registrations from Department of Transportation to Department of Justice.

2005 Montana Legislature

About Bill -- Links

61-9-302, 61-9-304, 61-9-321, 61-9-402, 61-9-405, 61-9-406, 61-9-412, 61-9-415, 61-9-426, 61-10-102, 61-10-104, 61-10-123, 61-10-141, 61-10-148, 61-10-206, 61-10-225, 61-11-203, 61-12-101, 61-12-102, 61-13-103, 75-10-532, 76-2-202, 76-2-302, 87-2-803, AND 87-3-101, MCA; REPEALING SECTIONS 23-2-516, 23-2-517, 23-2-518, 23-2-626, 23-2-803, 23-2-817, 61-1-102, 61-1-103, 61-1-104, 61-1-105, 61-1-106, 61-1-107, 61-1-108, 61-1-109, 61-1-110, 61-1-111, 61-1-112, 61-1-113, 61-1-114, 61-1-115, 61-1-116, 61-1-117, 61-1-118, 61-1-119, 61-1-120, 61-1-121, 61-1-123, 61-1-124, 61-1-125, 61-1-126, 61-1-127, 61-1-128, 61-1-129, 61-1-130, 61-1-131, 61-1-132, 61-1-133, 61-1-134, 61-1-135, 61-1-136, 61-1-137, 61-1-138, 61-1-139, 61-1-140, 61-1-141, 61-1-142, 61-1-201, 61-1-202, 61-1-203, 61-1-204, 61-1-205, 61-1-206, 61-1-207, 61-1-208, 61-1-209, 61-1-210, 61-1-211, 61-1-212, 61-1-301, 61-1-302, 61-1-303, 61-1-304, 61-1-305, 61-1-306, 61-1-307, 61-1-308, 61-1-309, 61-1-310, 61-1-311, 61-1-313, 61-1-314, 61-1-315, 61-1-316, 61-1-317, 61-1-318, 61-1-319, 61-1-320, 61-1-321, 61-1-401, 61-1-402, 61-1-403, 61-1-404, 61-1-405, 61-1-406, 61-1-407, 61-1-408, 61-1-409, 61-1-410, 61-1-411, 61-1-412, 61-1-413, 61-1-414, 61-1-415, 61-1-501, 61-1-502, 61-1-503, 61-1-504, 61-1-505, 61-1-506, 61-1-507, 61-1-508, 61-1-509, 61-1-510, 61-1-511, 61-1-512, 61-1-513, 61-1-514, 61-1-515, 61-1-601, 61-1-602, 61-1-603, 61-1-604, 61-3-521, 61-3-522, 61-3-523, 61-3-527, 61-3-528, 61-3-530, 61-3-560, AND 61-3-561, MCA; AND PROVIDING EFFECTIVE DATES.

AN ACT GENERALLY REVISING THE MOTOR VEHICLE LAWS; REORGANIZING AND RECODIFYING DEFINITIONS; REPLACING ALLOCATIONS OF MOTOR VEHICLE REVENUE TO SPECIAL ACCOUNTS WITH A PERCENTAGE OF THE REVENUE COLLECTED RATHER THAN AN AMOUNT PER VEHICLE; PROVIDING FOR THE DIRECT DEPOSIT OF THE OPTIONAL MOTOR VEHICLE REGISTRATION FEE FOR STATE PARKS; REVISING THE TRANSFER OF FUNDS BY COUNTY TREASURERS TO THE STATE; REQUIRING THE TRANSFER OF VEHICLE AND VESSEL TRANSACTION FEES TO THE DEPARTMENT OF JUSTICE BEGINNING ON JULY 1, 2006; REVISING AND CLARIFYING REGISTRATION FEES FOR WATERCRAFT, SNOWMOBILES, AND VEHICLES; COMBINING FEES IN LIEU OF TAX AND REGISTRATION FEES; AMENDING SECTIONS 10-2-112, 10-3-801, 15-1-101, 15-1-122, 15-1-504, 15-6-138, 15-6-201, 15-6-215, 15-8-201, 15-8-202, 15-15-201, 15-16-202, 15-24-301, 15-30-121, 15-50-207, 15-68-101, 20-9-331, 20-9-333, 20-9-360, 23-1-128, 23-2-512, 23-2-513, 23-2-515, 23-2-519, 23-2-601, 23-2-614, 23-2-616, 23-2-619, 23-2-631, 23-2-634, 23-2-641, 23-2-642, 23-2-644, 23-2-804, 23-2-809, 23-2-818, 30-11-701, 33-23-204, 37-72-101, 45-5-205, 61-1-101, 61-3-101, 61-3-103, 61-3-106, 61-3-107, 61-3-110, 61-3-201, 61-3-202, 61-3-204, 61-3-205, 61-3-206, 61-3-208, 61-3-210, 61-3-211, 61-3-212, 61-3-216, 61-3-217, 61-3-218, 61-3-219, 61-3-220, 61-3-221, 61-3-222, 61-3-223, 61-3-224, 61-3-301, 61-3-302, 61-3-303, 61-3-311, 61-3-312, 61-3-313, 61-3-314, 61-3-315, 61-3-316, 61-3-317, 61-3-318, 61-3-321, 61-3-322, 61-3-323, 61-3-324, 61-3-325, 61-3-331, 61-3-332, 61-3-333, 61-3-334, 61-3-335, 61-3-342, 61-3-345, 61-3-401, 61-3-403, 61-3-404, 61-3-411, 61-3-412, 61-3-413, 61-3-421, 61-3-422, 61-3-423, 61-3-425, 61-3-431, 61-3-446, 61-3-448, 61-3-456, 61-3-458, 61-3-460, 61-3-465, 61-3-467, 61-3-468, 61-3-474, 61-3-479, 61-3-480, 61-3-481, 61-3-501, 61-3-503, 61-3-506, 61-3-507, 61-3-509, 61-3-520, 61-3-526, 61-3-529, 61-3-535, 61-3-537, 61-3-562, 61-3-603, 61-

3-604, 61-3-607, 61-3-701, 61-3-702, 61-3-703, 61-3-704, 61-3-707, 61-3-708, 61-3-709, 61-3-711, 61-3-712, 61-3-714, 61-3-715, 61-3-716, 61-3-717, 61-3-718, 61-3-719, 61-3-720, 61-3-721, 61-3-722, 61-3-723, 61-3-724, 61-3-725, 61-3-727, 61-3-728, 61-3-729, 61-3-730, 61-3-732, 61-3-733, 61-3-736, 61-3-737, 61-4-101, 61-4-102, 61-4-104, 61-4-109, 61-4-110, 61-4-111, 61-4-112, 61-4-113, 61-4-120, 61-4-121, 61-4-122, 61-4-123, 61-4-125, 61-4-129, 61-4-131, 61-4-141, 61-4-143, 61-4-202, 61-4-204, 61-4-208, 61-4-301, 61-4-302, 61-4-306, 61-4-307, 61-4-310, 61-4-404, 61-4-501, 61-4-503, 61-4-504, 61-4-505, 61-4-506, 61-4-511, 61-4-519, 61-4-525, 61-5-104, 61-5-112, 61-5-119, 61-5-121, 61-5-208, 61-6-102, 61-6-301, 61-8-102, 61-8-201, 61-8-210, 61-8-310, 61-8-336, 61-8-341, 61-8-354, 61-8-371, 61-8-380, 61-8-383, 61-8-384, 61-8-401, 61-8-605, 61-8-704, 61-8-713, 61-8-801, 61-9-102, 61-9-103, 61-9-226, 61-9-302, 61-9-304, 61-9-321, 61-9-402, 61-9-405, 61-9-406, 61-9-412, 61-9-415, 61-9-426, 61-10-102, 61-10-104, 61-10-123, 61-10-141, 61-10-148, 61-10-206, 61-10-225, 61-11-203, 61-12-101, 61-12-102, 61-13-103, 75-10-532, 76-2-202, 76-2-302, 87-2-803, AND 87-3-101, MCA; REPEALING SECTIONS 23-2-516, 23-2-517, 23-2-518, 23-2-626, 23-2-803, 23-2-817, 61-1-102, 61-1-103, 61-1-104, 61-1-105, 61-1-106, 61-1-107, 61-1-108, 61-1-109, 61-1-110, 61-1-111, 61-1-112, 61-1-113, 61-1-114, 61-1-115, 61-1-116, 61-1-117, 61-1-118, 61-1-119, 61-1-120, 61-1-121, 61-1-123, 61-1-124, 61-1-125, 61-1-126, 61-1-127, 61-1-128, 61-1-129, 61-1-130, 61-1-131, 61-1-132, 61-1-133, 61-1-134, 61-1-135, 61-1-136, 61-1-137, 61-1-138, 61-1-139, 61-1-140, 61-1-141, 61-1-142, 61-1-201, 61-1-202, 61-1-203, 61-1-204, 61-1-205, 61-1-206, 61-1-207, 61-1-208, 61-1-209, 61-1-210, 61-1-211, 61-1-212, 61-1-301, 61-1-302, 61-1-303, 61-1-304, 61-1-305, 61-1-306, 61-1-307, 61-1-308, 61-1-309, 61-1-310, 61-1-311, 61-1-313, 61-1-314, 61-1-315, 61-1-316, 61-1-317, 61-1-318, 61-1-319, 61-1-320, 61-1-321, 61-1-401, 61-1-402, 61-1-403, 61-1-404, 61-1-405, 61-1-406, 61-1-407, 61-1-408, 61-1-409, 61-1-410, 61-1-411, 61-1-412, 61-1-413, 61-1-414, 61-1-415, 61-1-501, 61-1-502, 61-1-503, 61-1-504, 61-1-505, 61-1-506, 61-1-507, 61-1-508, 61-1-509, 61-1-510, 61-1-511, 61-1-512, 61-1-513, 61-1-514, 61-1-515, 61-1-601, 61-1-602, 61-1-603, 61-1-604, 61-3-521, 61-3-522, 61-3-523, 61-3-527, 61-3-528, 61-3-530, 61-3-560, AND 61-3-561, MCA; AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-2-112, MCA, is amended to read:

"10-2-112. Veterans' services special revenue account -- sources of funds -- designated uses. (1) There is a veterans' services account in the state special revenue fund, established pursuant to 17-2-102(1)(b), to the credit of the board.

(2) Money transferred pursuant to ~~15-1-122(3)(h)~~ 15-1-122(3)(d) from license plate sales as described in 10-2-114 and from gifts, grants, or donations must be deposited in the veterans' services account.

(3) Legislative appropriations of money in the veterans' services account must be used for the purposes

identified in 10-2-102 or other functions authorized by the board.

(4) There is a veterans' services federal account in the federal special revenue fund established for federal funds received under 10-2-106."

Section 2. Section 10-3-801, MCA, is amended to read:

"10-3-801. Account created for funding search and rescue operations -- rules. (1) There is an account in the state special revenue fund established in 17-2-102. The account must be administered by the disaster and emergency services division of the department exclusively for the purposes of search and rescue as provided in this section. The department may retain up to 5% of the money in the account to pay its costs of administering this section.

(2) There must be deposited in the account:

(a) fund transfers pursuant to ~~15-1-122(3)(g)~~ 15-1-122(3)(f);

(b) fund transfers pursuant to 87-1-601(9). These funds may be used only as provided in 87-1-601(9).

(c) all money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for search and rescue operations.

(3) (a) Not less than 50% of the money in the account must be used by the department to defray costs of search and rescue missions conducted by a county sheriff's office at a maximum of $3,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved.

(b) The remaining money in the account may be used by the department:

(i) to match local funds for the purchase of equipment for use by local search and rescue units at a maximum of $2,000 for each unit in a calendar year. The cost-sharing match must be 35% local funds to 65% from the account.

(ii) for reimbursement of expenses related to the training of search and rescue volunteers.

(4) The department may adopt rules to implement the proper administration of the account. The rules may include:

(a) a method of reimbursing a county ~~sheriff offices~~ sheriff's office, on a case-by-case basis, for authorized search and rescue operations conducted pursuant to subsection (3)(a), including verification of search missions, claims procedures, fiscal accountability, and the number and circumstances of search missions involving persons engaged in hunting, fishing, and trapping in a fiscal year;

(b) methods for processing requests for equipment matching funds and training funds made pursuant to subsection (3)(b), including any verification and accounting necessary to ensure that the provisions of subsection (3)(b) are met, and determining the percentage of all search missions involving persons engaged in hunting, fishing, or trapping in a fiscal year; and

(c) a system involving input from representatives of county sheriff organizations and state and local search and rescue organizations for assistance in verifying and processing claims for reimbursement, equipment, and training."

Section 3. Section 15-1-101, MCA, is amended to read:

"15-1-101. Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, biological control insects, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and the profit margin shown in national appraisal guides and manuals or the valuation schedules of the department.

(d) (i) The term "commercial", when used to describe property, means property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except property described in subsection (1)(d)(ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes and manufactured homes used exclusively as a residence except when held by a distributor or dealer as stock in trade; and

(E) all property described in 15-6-135.

(e) The term "comparable property" means property that:

(i) has similar use, function, and utility;

(ii) is influenced by the same set of economic trends and physical, governmental, and social factors; and

(iii) has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) (i) "Department", except as provided in subsection (1)(g)(ii), means the department of revenue provided

for in 2-15-1301.

(ii) In chapters 70 and 71, department means the department of transportation provided for in 2-15-2501.

(h) The terms "gas" and "natural gas" are synonymous and mean gas as defined in 82-1-111(2). The terms include all natural gases and all other fluid hydrocarbons, including methane gas or any other natural gas found in any coal formation.

(i) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department determines that the permanency of location of a mobile home, manufactured home, or housetrailer has been established, the mobile home, manufactured home, or housetrailer is presumed to be an improvement to real property. A mobile home, manufactured home, or housetrailer may be determined to be permanently located only when it is attached to a foundation that cannot feasibly be relocated and only when the wheels are removed.

(j) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification, and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on leasehold improvements are a lien only on the leasehold improvements.

(k) The term "livestock" means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

(l) (i) The term "manufactured home" means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards.

(ii) A manufactured home does not include a mobile home, as defined in ~~61-1-501~~ 61-1-101 and in subsection (1)(m) of this section, a housetrailer, as defined in ~~61-1-501~~ 61-1-101, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(m) The term "mobile home" means forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

(n) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements" and "intangible personal property" as that term is defined in 15-6-218.

(o) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(p) The term "property" includes money, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition may not be construed to authorize the taxation of the stocks of a company or corporation when the property of the company or corporation represented by the stocks is within the state and has been taxed.

(q) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8;

(iii) all timber belonging to individuals or corporations growing or being on the lands of the United States; and

(iv) all rights and privileges appertaining to mines, minerals, quarries, and timber.

(r) "Recreational" means hunting, fishing, swimming, boating, waterskiing, camping, biking, hiking, and winter sports, including but not limited to skiing, skating, and snowmobiling.

(s) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(t) The term "stock in trade" means any mobile home, manufactured home, or housetrailer that is listed by the dealer as inventory and that is offered for sale, is unoccupied, and is not located on a permanent foundation. Inventory does not have to be located at the business location of a dealer or a distributor.

(u) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" includes a county, city, incorporated town, township, school district, irrigation district, or drainage district or a person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification means the state tax appeal board."

Section 4. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, $36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue

nonrestricted account the following amounts:

~~(a) $75,000 in fiscal year 2003;~~

~~(b)~~(a) $0 in fiscal years 2004 and 2005;

~~(c)~~(b) $3,050,205 in fiscal year 2006; and

~~(d)~~(c) in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5,~~:~~

~~(i) $2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and~~

~~(ii) $1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant to Title 61, chapter 3, part 3, and $5 for each permanently registered light vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532.~~ 1.63% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.5% of the motor vehicle revenue deposited in the state general fund in succeeding fiscal years. The amount of 8.75% of the allocation in fiscal year 2006 and 9.48% of the allocation in fiscal year 2007 and succeeding years must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816~~:~~,

~~(i) $1 in fiscal year 2006 and, in each subsequent year, $2.75 for each off-highway vehicle for which the fee in lieu of tax is paid, as provided for in 23-2-803; and~~

~~(ii) for vehicles registered or reregistered pursuant to 61-3-321:~~

~~(A) $1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle weighing more than 1 ton, and motor home; and~~

~~(B) $1.50 in fiscal year 2006 and, in each subsequent year, $3.65 for each motorcycle and quadricycle; and~~

~~(C) $7.50 for each permanently registered light vehicle~~ 1.54% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.52% of the motor vehicle revenue deposited in the state general fund in succeeding fiscal years;

(c) to the department of fish, wildlife, and parks:

(i) ~~$2.50 in fiscal year 2006 and,~~ 0.47% of the motor vehicle revenue deposited in the state general fund in

each ~~subsequent~~ fiscal year~~, $14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received~~ with the applicable percentage to be:

(A) used to:

(I) acquire and maintain pumpout equipment and other boat facilities, 5.2% in fiscal year 2006 and 4.8% in fiscal year 2007 and succeeding years;

(II) administer and enforce the provisions of Title 23, chapter 2, part 5, 20.8% in fiscal year 2006 and 19.1% in fiscal year 2007 and succeeding years;

(III) enforce the provisions of 23-2-804, 12.1% in fiscal year 2006 and 11.1% in fiscal year 2007 and succeeding fiscal years; and

(IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use, 18.1% in fiscal year 2006 and 16.7% in fiscal year 2007 and succeeding fiscal years; and

(B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 43.8% in fiscal year 2006 and 48.3% in fiscal year 2007 and succeeding fiscal years;

(ii) ~~$5 in fiscal year 2006 and,~~ 0.12% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.10% of the motor vehicle revenue deposited in the state general fund in each subsequent fiscal year, ~~$10 for each snowmobile registered under 23-2-616,~~ with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and

~~(iii) $1 for each duplicate snowmobile registration decal issued under 23-2-617;~~

~~(iv) $5 in fiscal year 2006 and, in each subsequent year, $13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;~~

~~(v) to the state special revenue fund established in 23-1-105, $3.50 in fiscal year 2006 and, in each subsequent year, $8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;~~

~~(vi)~~(iii) ~~an amount equal to 20%~~ 0.5% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.16% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year ~~of the funds collected pursuant to 23-2-618~~ to be deposited in the motorboat account to be used as provided in 23-2-533; ~~and~~

~~(vii) to the state special revenue fund established in 23-1-105, $4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with $3.50 of the money used for state~~

~~parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;~~

(d) 0.75% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.65% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year with 21.30% in fiscal year 2006 and 24.55% in fiscal year 2007 and succeeding fiscal years to be deposited in the state veterans' cemetery account~~,~~ provided for in 10-2-603~~, $10 for each veteran's license plate subject to the fee in 61-3-459~~ and with 78.70% in fiscal year 2006 and 75.45% in fiscal year 2007 and succeeding fiscal years to be deposited in the veterans' services account provided for in 10-2-112(1);

~~(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:~~

~~(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;~~

~~(f)~~(e) ~~25 cents a year for each registered vehicle and $1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6)~~ 0.59% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.31% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112; and

~~(g)~~(f) to the search and rescue account provided for in 10-3-801~~:~~

~~(i) $2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;~~

~~(ii) $2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and~~

~~(iii) $2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803~~ 0.20% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.05% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year~~; and~~.

~~(h) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).~~

(4) ~~For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in~~

~~which the vehicles are registered by new owners.~~ For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means revenue received from:

(a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

(b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered pursuant to 61-3-321 and 61-3-562;

(c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

(d) all money collected pursuant to 15-1-504(3).

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

Section 5. Section 15-1-504, MCA, is amended to read:

"15-1-504. Settlement of county treasurer with department. (1) Except as provided in ~~subsection~~ subsections (2) and (3), the county treasurer, between the 1st and 20th days of each month, shall remit to the department all money belonging to the state that was collected by the county treasurer during the preceding month. The remittance must be accompanied by a detailed report upon a form that the department prescribes. The department may assess counties an interest charge of 10% a year on all money not remitted within 5 days from the time required by this section.

(2) By June 20 of each year, the county treasurer shall remit to the department an estimate of all money belonging to the state that was collected by the county treasurer by June 15, in addition to the amount collected during the preceding month. ~~In~~ By July 15, the county treasurer shall remit all money belonging to the state that was collected by the county treasurer during the remainder of June.

(3) Beginning July 1, 2006, the county treasurer shall remit to the department of justice by the 20th of each month all state money that was collected by the county treasurer due to motor vehicle, vessel, and snowmobile transactions during the preceding month. The remittance must be accompanied by a detailed report upon a form prescribed by the department of justice. The department may assess counties an interest charge, at the rate of 10% a year, on all money that is not remitted by the prescribed time."

Section 6. Section 15-6-138, MCA, is amended to read:

"15-6-138. (Temporary) Class eight property -- description -- taxable percentage. (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-201(1)(bb);

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;

(c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-201, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;

(f) special mobile equipment as defined in ~~61-1-104~~ 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens' band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds per axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(3) "Commercial establishment" includes any hotel~~,~~ motel~~,~~ office~~,~~ petroleum marketing station~~,~~ or service, wholesale, retail, or food-handling business.

(4) Class eight property is taxed at 3% of its market value.

(5) (a) If~~,~~ in any year beginning with tax year 2004~~,~~ the percentage growth in inflation-adjusted Montana wage and salary income is at least 2.85% from the year prior to the base year, then the tax rate for class eight property will be reduced by 1% each year until the tax rate reaches zero.

(b) For each tax year, the base year is the year 3 years before the applicable tax year and the target year is the year 2 years before the applicable tax year.

(c) The department shall calculate the percentage growth in subsection (5)(a) by October 30 of each target

year by using the formula (W/CPI) - 1, where:

(i) W is the Montana wage and salary income for the calendar base year divided by the Montana wage and salary income for the calendar year prior to the base year; and

(ii) CPI is the consumer price index for the calendar base year used in subsection (5)(c)(i) divided by the consumer price index for the year prior to the most current calendar year prior to the base year used in subsection (5)(c)(i).

(d) For purposes of determining the percentage growth in subsection (5)(a), the department shall use the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements, fall SA07 (state annual) for the target year wage and salary data series.

(e) Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(6) The class eight property of a person or business entity that owns an aggregate of $5,000 or less in market value of class eight property is exempt from taxation. (Repealed on occurrence of contingency--secs. 27 (2), 31(4), Ch. 285, L. 1999.)"

Section 7. Section 15-6-201, MCA, is amended to read:

"15-6-201. Exempt categories. (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

(iv) municipal corporations;

(v) public libraries; and

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human

services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that is:

(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and operated for private or corporate profit;

(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;

(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) truck canopy covers or toppers and campers;

(j) a bicycle, as defined in ~~61-1-123~~ 61-8-102, used by the owner for personal transportation purposes;

(k) motor homes;

(l) all watercraft;

(m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;

(n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;

(o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and

(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;

(p) all farm buildings with a market value of less than $500 and all agricultural implements and machinery

with a market value of less than $100;

(q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(r) (i) the first $15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(A) construct, repair, and maintain improvements to real property; or

(B) repair and maintain machinery, equipment, appliances, or other personal property;

(ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(s) harness, saddlery, and other tack equipment;

(t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(u) timber as defined in 15-44-102;

(v) all trailers ~~as defined in 61-1-111~~, semitrailers ~~as defined in 61-1-112~~, pole trailers ~~as defined in 61-1-114~~, and travel trailers as those terms are defined in ~~61-1-131~~ 61-1-101;

(w) all vehicles registered under 61-3-456;

(x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);

(y) motorcycles and quadricycles;

(z) the following percentage of the market value of residential property described in 15-6-134(1)(e) and (1)(f):

~~(i) 31% for tax year 2003;~~

~~(ii) 31.4% for tax year 2004;~~

~~(iii)~~(i) 32% for tax year 2005;

~~(iv)~~(ii) 32.6% for tax year 2006;

~~(v)~~(iii) 33.2% for tax year 2007;

~~(vi)~~(iv) 34% for tax year 2008 and succeeding tax years;

(aa) the following percentage of the market value of commercial property as described in 15-6-134(1)(g):

~~(i) 13% for tax year 2003;~~

~~(ii) 13.3% for tax year 2004;~~

~~(iii)~~(i) 13.8% for tax year 2005;

~~(iv)~~(ii) 14.2% for tax year 2006;

~~(v)~~(iii) 14.6% for tax year 2007;

~~(vi)~~(iv) 15% for tax year 2008 and succeeding tax years;

(bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;

(cc) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(i) the acquired cost of the personal property is less than $15,000;

(ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;

(dd) all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from grain during the course of the construction of an ethanol manufacturing facility and for 10 years after completion of construction of the manufacturing facility;

(ee) light vehicles as defined in ~~61-1-139~~ 61-1-101; and

(ff) the following property, except property included in 15-6-135, 15-6-137, 15-6-141, 15-6-145, and 15-6-156, if the tax rate in 15-6-138 reaches zero:

(i) all agricultural implements and equipment;

(ii) all mining machinery, fixtures, equipment, tools, and supplies;

(iii) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools, and supplies;

(iv) all manufacturing machinery, fixtures, equipment, tools, and supplies;

(v) all goods and equipment that are intended for rent or lease;

(vi) special mobile equipment as defined in ~~61-1-104~~ 61-1-101;

(vii) furniture, fixtures, and equipment;

(viii) x-ray and medical and dental equipment;

(ix) citizens' band radios and mobile telephones;

(x) radio and television broadcasting and transmitting equipment;

(xi) cable television systems;

(xii) coal and ore haulers; and

(xiii) theater projectors and sound equipment.

(2) (a) For the purposes of subsection (1)(e):

(i) the term "institutions of purely public charity" includes any organization that meets the following requirements:

(A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.

(B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

(ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

(b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

(i) actually used by the governmental entity or nonprofit organization as a part of its public display;

(ii) held for future display; or

(iii) used to house or store a public display.

(3) For the purposes of subsection (1)(bb):

(a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products

solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.

(b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.

(4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

(a) $20,000 in the case of a single-family residential dwelling;

(b) $100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

Section 8. Section 15-6-215, MCA, is amended to read:

"15-6-215. Exemption for motion picture and television commercial property. Except as provided in 15-24-305 and 61-3-520, all property, including vehicles, brought into the state or otherwise used for the exclusive purpose of filming motion pictures or television commercials is exempt from property taxation and registration fees under ~~61-3-560 and 61-3-561~~ 61-3-321(2), provided that the property does not remain in the state for a period in excess of 180 consecutive days in a calendar year."

Section 9. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department shall, between January 1 and the first Monday of August in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county.

(2) The department shall assess property to:

(a) the person by whom it was owned or claimed or in whose possession or control it was at midnight of the preceding January 1; or

(b) except in the case of land splits, the new owner if the provisions of 15-7-304 have been met and the transfer certificate has been received and processed prior to determining the taxes that are due as provided in 15-10-305(2).

(3) The department shall also ascertain and assess all mobile homes arriving in the county after midnight of the preceding January 1.

(4) A mistake in the name of the owner or supposed owner of real property does not invalidate the assessment.

(5) The procedure provided by this section does not apply to:

(a) motor vehicles;

(b) motor homes, travel trailers, and campers;

(c) watercraft;

(d) livestock;

(e) property defined ~~in 61-1-104~~ as special mobile equipment in 61-1-101 that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment plate;

(f) mobile homes and manufactured homes held by a distributor or dealer as stock in trade; and

(g) property subject to the provisions of 15-16-203."

Section 10. Section 15-8-202, MCA, is amended to read:

"15-8-202. Motor vehicle assessment by department of justice. (1) (a) The department of justice shall determine the registration fee on light vehicles in accordance with ~~61-3-560 through~~ 61-3-321 and 61-3-562.

(b) For the purposes of the local option motor vehicle tax under 61-3-537, the department of justice shall assess all light vehicles, subject to 61-3-313 through 61-3-316 and 61-3-501, for taxation in accordance with 61-3-503.

(c) The department of justice shall determine the registration fee ~~in lieu of tax~~ for all buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors in accordance with ~~61-3-528~~ 61-3-321 and 61-3-529.

(d) Taxes~~,~~ and registration fees~~, or fees in lieu of tax~~ on a motor vehicle under this subsection (1) must be assessed or imposed in each year on the person who owned or claimed the motor vehicles or in whose possession or control the motor vehicle was on the anniversary registration date.

(2) A tax or fee ~~in lieu of tax~~ may not be assessed or imposed against motor vehicles subject to taxation or to a fee ~~in lieu of tax~~ that constitute inventory of motor vehicle dealers as of January 1. These vehicles and all other motor vehicles subject to taxation or a fee in lieu of tax that are brought into the state after January 1 as motor vehicle dealers' inventories must be assessed to their respective purchasers as of the dates the vehicles are registered by the purchasers.

(3) "Purchasers" includes dealers who apply for registration or reregistration of motor vehicles.

(4) Goods, wares, and merchandise of motor vehicle dealers, other than new motor vehicles and new mobile homes, must be assessed at market value as of January 1.

(5) (a) The department of justice is authorized to appear in any proceeding before a county tax appeal board, the state tax appeal board, or a court that seeks to dispute an assessment made by the department pursuant to the authority granted under this section.

(b) For the purposes of proceedings before county tax appeal boards or the state tax appeal board, service

of the application required under 15-15-201 must be made on the attorney general. A copy of any application giving rise to a proceeding before a county tax appeal board or the state tax appeal board must also be served on the county treasurer of the county in which the vehicle that is the subject of the proceeding was registered."

Section 11. Section 15-15-201, MCA, is amended to read:

"15-15-201. Motor vehicle tax appeals -- payment and protest of local option taxes or fees in lieu of tax on motor vehicles. (1) (a) A taxpayer who seeks to appeal the imposition of local option taxes on light vehicles or fees in lieu of tax assessed against a motor vehicle and imposed by the department of justice under authority of 15-8-202 shall file a written application for the appeal not later than 30 days after the anniversary date for reregistration, as determined by 61-3-315, of the motor vehicle that is the subject of the appeal. The application must be on a form prescribed by the department of justice in consultation with the state tax appeal board.

(b) The application must include a specific explanation of the basis for the taxpayer's appeal. The basis for appeal must be related to the factors to be considered and applied by the department of justice under 61-3-503, 61-3-506, ~~61-3-528,~~ and 61-3-529.

(2) (a) The treasurer of the county or municipality is not required to deposit local option vehicle taxes or fees in lieu of tax on a motor vehicle paid under protest in the special fund designated as a protest fund as required for property taxes under 15-1-402. The taxes or fees paid under protest may be reported and distributed in the same manner as those received without protest.

(b) If a refund is payable as a result of the taxpayer prevailing in a tax appeal or court proceeding concerning the protested motor vehicle taxes or fees, a refund may be made in accordance with 15-16-603.

(3) (a) A motor vehicle tax appeal may be heard by the county tax appeal board during its next regularly scheduled session if the application for the appeal was filed by December 1. If during its current session, a county tax appeal board refuses or fails to hear a taxpayer's application that was timely filed by December 1, then the taxpayer's application is considered to be granted on the day following the board's final meeting for that year.

(b) A motor vehicle tax appeal filed after December 1 may be held over by the board to a session in the following year. If a taxpayer's application that was timely filed after December 1 of the current session of the county tax appeal board is held over to a session in the following year and if the county tax appeal board refuses or fails to hear the application during the following session, then the application is considered to be granted on the day following the board's final meeting for that year."

Section 12. Section 15-16-202, MCA, is amended to read:

"15-16-202. ~~Boats, snowmobiles, and motor~~ Motor vehicles -- payment of fees. ~~(1) The fee in lieu of personal property taxes assessed against a motorboat, sailboat, or personal watercraft described in 23-2-517 for the year in which application for a registration decal is made must be paid before the registration decal may be issued pursuant to 23-2-515.~~

~~(2) The fee in lieu of tax imposed on a snowmobile for the year in which application for registration is made must be paid before a snowmobile may be registered pursuant to 23-2-616.~~

~~(3)~~(1) (a) Except for mobile homes and manufactured homes as defined in 15-1-101 and except as provided in subsection ~~(3)(b)~~ (1)(b) of this section, the light vehicle registration fee or fee in lieu of tax imposed against a motor vehicle for the current year and the immediately previous year must be paid before a motor vehicle may be registered or reregistered pursuant to 61-3-303.

(b) The vehicle registration fees or fee in lieu of tax imposed against a motor vehicle described in 61-3-303 (9) must be paid before a motor vehicle may be registered pursuant to 61-3-303.

~~(4)~~(2) The provisions of ~~subsections (1) and (3)(a)~~ subsection (1)(a) do not require payment of the immediately previous year's fees if the fees have already been paid."

Section 13. Section 15-24-301, MCA, is amended to read:

"15-24-301. Personal property brought into ~~the~~ state -- assessment -- exceptions -- custom combine equipment. (1) Except as provided in subsections (2) through (5), property in the following cases is subject to taxation and assessment for all taxes levied that year in the county in which it is located:

(a) personal property, excluding livestock, brought into this state at any time during the year that is used in the state for hire, compensation, or profit;

(b) property ~~whose~~ belonging to an owner or user who is engaged in a gainful occupation or business enterprise in the state; or

(c) property that becomes a part of the general property of the state.

(2) The taxes on this property are levied in the same manner, except as otherwise provided, as though the property had been in the county on the regular assessment date, provided that the property has not been regularly assessed for the year in some other county of the state.

(3) This section does not levy a tax against a merchant or dealer within this state on goods, wares, or merchandise brought into the county to replenish the stock of the merchant or dealer.

(4) Except as provided in 15-6-217, a motor vehicle subject to the registration fee imposed by ~~61-3-560 and 61-3-561~~ 61-3-321(2) that is brought into this state by a nonresident person temporarily employed in Montana and used exclusively for transportation of the person is subject to registration fees as follows:

(a) The motor vehicle fee is imposed by the county in which it is located.

(b) One-fourth of the annual fee of the motor vehicle must be paid for each quarter or portion of a quarter of the year that the motor vehicle is located in Montana.

(c) The quarterly fees are due the first day of the quarter.

(5) Agricultural harvesting machinery classified under class eight, licensed in another state, and operated on the land of a person other than the owner of the machinery under a contract for hire is subject to a fee in lieu of tax of $35 for each machine for the calendar year in which the fee is collected. The machinery is subject to taxation under class eight only if the machinery is sold in Montana."

Section 14. Section 15-30-121, MCA, is amended to read:

"15-30-121. Deductions allowed in computing net income. (1) In computing net income, there are allowed as deductions:

(a) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and 211 of the Internal Revenue Code, 26 U.S.C. 161 and 211, subject to the following exceptions, which are not deductible:

(i) items provided for in 15-30-123;

(ii) state income tax paid;

(iii) premium payments for medical care as provided in subsection (1)(g)(i);

(iv) long-term care insurance premium payments as provided in subsection (1)(g)(ii); and

(v) a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable gift annuity as defined in 33-20-701;

(b) federal income tax paid within the tax year, not to exceed $5,000 for each taxpayer filing singly, head of household, or married filing separately or $10,000 if married and filing jointly;

(c) expenses of household and dependent care services as outlined in subsections (1)(c)(i) through (1)(c)(iii) and (2) and subject to the limitations and rules as set out in subsections (1)(c)(iv) through (1)(c)(vi), as follows:

(i) expenses for household and dependent care services necessary for gainful employment incurred for:

(A) a dependent under 15 years of age for whom an exemption can be claimed;

(B) a dependent as allowable under 15-30-112(5), except that the limitations for age and gross income do not apply, who is unable to provide self-care because of physical or mental illness; and

(C) a spouse who is unable to provide self-care because of physical or mental illness;

(ii) employment-related expenses incurred for the following services, but only if the expenses are incurred to enable the taxpayer to be gainfully employed:

(A) household services that are attributable to the care of the qualifying individual; and

(B) care of an individual who qualifies under subsection (1)(c)(i);

(iii) expenses incurred in maintaining a household if over half of the cost of maintaining the household is furnished by an individual or, if the individual is married during the applicable period, is furnished by the individual and the individual's spouse;

(iv) the amounts deductible in subsections (1)(c)(i) through (1)(c)(iii), subject to the following limitations:

(A) a deduction is allowed under subsection (1)(c)(i) for employment-related expenses incurred during the year only to the extent that the expenses do not exceed $4,800;

(B) expenses for services in the household are deductible under subsection (1)(c)(i) for employment-related expenses only if they are incurred for services in the taxpayer's household, except that employment-related expenses incurred for services outside the taxpayer's household are deductible, but only if incurred for the care of a qualifying individual described in subsection (1)(c)(i)(A) and only to the extent that the expenses incurred during the year do not exceed:

(I) $2,400 in the case of one qualifying individual;

(II) $3,600 in the case of two qualifying individuals; and

(III) $4,800 in the case of three or more qualifying individuals;

(v) if the combined adjusted gross income of the taxpayers exceeds $18,000 for the tax year during which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by one-half of the excess of the combined adjusted gross income over $18,000;

(vi) for purposes of this subsection (1)(c):

(A) married couples shall file a joint return or file separately on the same form;

(B) if the taxpayer is married during any period of the tax year, employment-related expenses incurred are deductible only if:

(I) both spouses are gainfully employed, in which case the expenses are deductible only to the extent that they are a direct result of the employment; or

(II) the spouse is a qualifying individual described in subsection (1)(c)(i)(C);

(C) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married;

(D) the deduction for employment-related expenses must be divided equally between the spouses when filing separately on the same form;

(E) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year and payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) are not deductible as employment-related expenses;

(d) in the case of an individual, political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code of 1954 (now repealed) that were in effect for the tax year that

ended December 31, 1978;

(e) that portion of expenses for organic fertilizer and inorganic fertilizer produced as a byproduct allowed as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;

(f) contributions to the child abuse and neglect prevention program provided for in 52-7-101, subject to the conditions set forth in 15-30-156;

(g) the entire amount of premium payments made by the taxpayer, except premiums deducted in determining Montana adjusted gross income, or for which a credit was claimed under 15-30-128, for:

(i) insurance for medical care, as defined in 26 U.S.C. 213(d), for coverage of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer; and

(ii) long-term care insurance policies or certificates that provide coverage primarily for any qualified long-term care services, as defined in 26 U.S.C. 7702B(c), for:

(A) the benefit of the taxpayer for tax years beginning after December 31, 1994; or

(B) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer for tax years beginning after December 31, 1996;

(h) light vehicle registration fees, as provided for in ~~61-3-560 through~~ 61-3-321(2) and 61-3-562, paid during the tax year; and

(i) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) (a) Subject to the conditions of subsection (1)(c), a taxpayer who operates a family day-care home or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own child and at least one unrelated child in the ordinary course of business may deduct employment-related expenses considered to have been paid for the care of the child.

(b) The amount of employment-related expenses considered to have been paid by the taxpayer is equal to the amount that the taxpayer charges for the care of a child of the same age for the same number of hours of care. The employment-related expenses apply regardless of whether any expenses actually have been paid. Employment-related expenses may not exceed the amounts specified in subsection (1)(c)(iv)(B).

(c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the deduction under this subsection (2)."

Section 15. Section 15-50-207, MCA, is amended to read:

"15-50-207. Credit against other taxes -- credit for personal property taxes and certain fees. (1) The additional license fees withheld or otherwise paid as provided in this chapter may be used as a credit on the contractor's corporation license tax provided for in chapter 31 of this title or on the contractor's income tax

provided for in chapter 30, depending upon the type of tax the contractor is required to pay under the laws of the state.

(2) Personal property taxes and the fee in lieu of tax on buses, trucks having a manufacturer's rated capacity of more than 1 ton, or truck tractors, as provided in 61-3-529, and the registration fee on light vehicles, as provided in ~~61-3-560 through~~ 61-3-321(2) and 61-3-562, paid in Montana on any personal property or vehicle of the contractor that is used in the business of the contractor and is located within this state may be credited against the license fees required under this chapter. However, in computing the tax credit allowed by this section against the contractor's corporation license tax or income tax, the tax credit against the license fees required under this chapter may not be considered as license fees paid for the purpose of the income tax or corporation license tax credit."

Section 16. Section 15-68-101, MCA, is amended to read:

"15-68-101. Definitions. For purposes of this chapter, unless the context requires otherwise, the following definitions apply:

(1) (a) "Accommodations" means a building or structure containing individual sleeping rooms or suites that provides overnight lodging facilities for periods of less than 30 days to the general public for compensation.

(b) Accommodations includes a facility represented to the public as a hotel, motel, campground, resort, dormitory, condominium inn, dude ranch, guest ranch, hostel, public lodginghouse, or bed and breakfast facility.

(c) The term does not include a health care facility, as defined in 50-5-101, any facility owned by a corporation organized under Title 35, chapter 2 or 3, that is used primarily by persons under 18 years of age for camping purposes, any hotel, motel, hostel, public lodginghouse, or bed and breakfast facility whose average daily accommodation charge for single occupancy does not exceed 60% of the amount authorized under 2-18-501 for the actual cost of lodging for travel within the state of Montana, or any other facility that is rented solely on a monthly basis or for a period of 30 days or more.

(2) (a) "Admission" means payment made for the privilege of being admitted to a facility, place, or event.

(b) The term does not include payment for admittance to a movie theater or to a sporting event sanctioned by a school district, college, or university.

(3) (a) "Base rental charge" means the following:

(i) charges for time of use of the rental vehicle and mileage, if applicable;

(ii) charges accepted by the renter for personal accident insurance;

(iii) charges for additional drivers or underage drivers; and

(iv) charges for child safety restraints, luggage racks, ski racks, or other accessory equipment for the rental vehicle.

(b) The term does not include:

(i) rental vehicle price discounts allowed and taken;

(ii) rental charges or other charges or fees imposed on the rental vehicle owner or operator for the privilege of operating as a concessionaire at an airport terminal building;

(iii) motor fuel;

(iv) intercity rental vehicle drop charges; or

(v) taxes imposed by the federal government or by state or local governments.

(4) (a) "Campground" means a place used for public camping where persons may camp, secure tents, or park individual recreational vehicles for camping and sleeping purposes.

(b) The term does not include that portion of a trailer court, trailer park, or mobile home park intended for occupancy by trailers or mobile homes for resident dwelling purposes for periods of 30 consecutive days or more.

(5) "Engaging in business" means carrying on or causing to be carried on any activity with the purpose of receiving direct or indirect benefit.

(6) (a) "Lease", "leasing", or "rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(b) Lease or rental includes agreements covering motor vehicles and trailers when the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property, as defined in 26 U.S.C. 7701(h)(1).

(c) The term does not include:

(i) a transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(ii) a transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of $100 or 1% of the total required payments; or

(iii) providing tangible personal property with an operator if an operator is necessary for the equipment to perform as designed and not just to maintain, inspect, or set up the tangible personal property.

(d) This definition must be used for sales tax and use tax purposes regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, the Montana Uniform Commercial Code, or other provisions of federal, state, or local law.

(e) This definition must be applied only prospectively from the date of adoption and has no retroactive impact on existing leases or rentals.

(7) (a) "Motor vehicle" means a light vehicle as defined in ~~61-1-139~~ 61-1-101, a motorcycle as defined in ~~61-1-105~~ 61-1-101, a motor-driven cycle as defined in ~~61-1-106~~ 61-1-101, a quadricycle as defined in ~~61-1-133~~ 61-1-101, a motorboat or a sailboat as defined in 23-2-502, or an off-highway vehicle as defined in 23-2-801 that:

(i) is rented for a period of not more than 30 days;

(ii) is rented without a driver, pilot, or operator; and

(iii) is designed to transport 15 or fewer passengers.

(b) Motor vehicle includes:

(i) a rental vehicle rented pursuant to a contract for insurance; and

(ii) a truck, trailer, or semitrailer that has a gross vehicle weight of less than 22,000 pounds, that is rented without a driver, and that is used in the transportation of personal property.

(c) The term does not include farm vehicles, machinery, or equipment.

(8) "Permit" or "seller's permit" means a seller's permit as described in 15-68-401.

(9) "Person" means an individual, estate, trust, fiduciary, corporation, partnership, limited liability company, limited liability partnership, or any other legal entity.

(10) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(11) "Rental vehicle" means a motor vehicle that is used for or by a person other than the owner of the motor vehicle through an arrangement and for consideration.

(12) "Retail sale" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent.

(13) "Sale" or "selling" means the transfer of property for consideration or the performance of a service for consideration.

(14) (a) "Sales price" applies to the measure subject to sales tax and means the total amount or consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented or valued in money, whether received in money or otherwise, without any deduction for the following:

(i) the seller's cost of the property sold;

(ii) the cost of materials used, labor or service costs, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(iii) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(iv) delivery charges;

(v) installation charges;

(vi) the value of exempt personal property given to the purchaser when taxable and exempt personal

property have been bundled together and sold by the seller as a single product or piece of merchandise; and

(vii) credit for any trade-in.

(b) The amount received for charges listed in subsections (14)(a)(iii) through (14)(a)(vii) are excluded from the sales price if they are separately stated on the invoice, billing, or similar document given to the purchaser.

(c) The term does not include:

(i) discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(ii) interest, financing, and carrying charges from credit extended on the sale of personal property or services if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; or

(iii) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser.

(d) In an exchange in which the money or other consideration received does not represent the value of the property or service exchanged, sales price means the reasonable value of the property or service exchanged.

(e) When the sale of property or services is made under any type of charge or conditional or time-sales contract or the leasing of property is made under a leasing contract, the seller or lessor shall treat the sales price, excluding any type of time-price differential, under the contract as the sales price at the time of the sale.

(15) "Sales tax" and "use tax" mean the applicable tax imposed by 15-68-102.

(16) "Seller" means a person that makes sales, leases, or rentals of personal property or services.

(17) (a) "Service" means an activity that is engaged in for another person for consideration and that is distinguished from the sale or lease of property. Service includes activities performed by a person for its members or shareholders.

(b) In determining what a service is, the intended use, principal objective, or ultimate objective of the contracting parties is irrelevant.

(18) "Use" or "using" includes use, consumption, or storage, other than storage for resale or for use solely outside this state, in the ordinary course of business."

Section 17. Section 20-9-331, MCA, is amended to read:

"20-9-331. Basic county tax for elementary equalization and other revenue for county equalization of elementary BASE funding program. (1) Subject to 15-10-420, the county commissioners of each county shall levy an annual basic county tax of 33 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under ~~23-2-517, 23-2-803,~~ 61-3-321(2) or (3), ~~61-3-521, 61-3-527,~~ 61-3-529, 61-3-537, ~~61-3-560 through~~ 61-3-562, 61-3-570, and 67-3-204, for the purposes of elementary equalization and state BASE funding program support. The revenue collected from this levy must be

apportioned to the support of the elementary BASE funding programs of the school districts in the county and to the state general fund in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the BASE funding programs of all elementary districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed by this section and the revenue from the following sources must be used for the equalization of the elementary BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) the portion of the federal Taylor Grazing Act funds designated for the elementary county equalization fund under the provisions of 17-3-222;

(b) the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

(c) all money paid into the county treasury as a result of fines for violations of law, except money paid to a justice's court, and the use of which is not otherwise specified by law;

(d) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established or referred to in this section;

(e) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(f) gross proceeds taxes from coal under 15-23-703; and

(g) oil and natural gas production taxes."

Section 18. Section 20-9-333, MCA, is amended to read:

"20-9-333. Basic county tax for high school equalization and other revenue for county equalization of high school BASE funding program. (1) Subject to 15-10-420, the county commissioners of each county shall levy an annual basic county tax of 22 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under ~~23-2-517, 23-2-803,~~ 61-3-321(2) or (3), ~~61-3-521, 61-3-527,~~ 61-3-529, 61-3-537, ~~61-3-560 through~~ 61-3-562, 61-3-570, and 67-3-204, for the purposes of high school

equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the BASE funding programs of high school districts in the county and to the state general fund in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the sum of the county's high school tuition obligation and the total of the BASE funding programs of all high school districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed in this section and the revenue from the following sources must be used for the equalization of the high school BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established in this section;

(b) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(c) gross proceeds taxes from coal under 15-23-703; and

(d) oil and natural gas production taxes."

Section 19. Section 20-9-360, MCA, is amended to read:

"20-9-360. State equalization aid levy. Subject to 15-10-420, there is a levy of 40 mills imposed by the county commissioners of each county on all taxable property within the state, except property for which a tax or fee is required under ~~23-2-517, 23-2-803,~~ 61-3-321(2) or (3), ~~61-3-521,~~ 61-3-527, 61-3-529, 61-3-537, ~~61-3-560 through~~ 61-3-562, 61-3-570, and 67-3-204. Proceeds of the levy must be remitted to the department of revenue, as provided in 15-1-504, and must be deposited to the credit of the state general fund for state equalization aid to the public schools of Montana."

Section 20. Section 23-1-128, MCA, is amended to read:

"23-1-128. Protection of riparian vegetation -- limit on motorized camping, operation of off-highway vehicles. In order to protect riparian vegetation, provide for stable streambanks, reduce erosion, and provide for

nutrient barriers to protect the quality of rivers and streams:

(1) camping in a motor vehicle, as defined in ~~61-1-102~~ 61-1-101, is discouraged within 25 feet of a river or stream in state parks and fishing access sites; and

(2) the off-road operation of an off-highway vehicle, as defined in 23-2-801, within state parks and fishing access sites is prohibited except for administrative purposes."

Section 21. Section 23-2-512, MCA, is amended to read:

"23-2-512. Identifying number. (1) The owner of each motorboat, sailboat, or personal watercraft requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, or personal watercraft is owned, on forms prepared and furnished by the department of justice. The application must be signed by the owner of the motorboat, sailboat, or personal watercraft and be accompanied by ~~a~~ the fee ~~of $3.50 in calendar year 2004 and, in each subsequent year, $15.50~~ prescribed in 61-3-321(10). Any alteration, change, or false statement contained in the application renders the certificate of number void. Upon receipt of the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the department of justice, stating the number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the owner.

~~(2) The applicant, upon the filing of the application, shall pay to the county treasurer the fee in lieu of tax required under 23-2-517 for a motorboat 10 feet in length or longer, a sailboat 12 feet in length or longer, or a personal watercraft before the application for certification or, if applicable, recertification may be accepted by the county treasurer.~~

~~(3)~~(2) If the ownership of a motorboat, sailboat, or personal watercraft changes, a new application form with the certification fee must be filed within a reasonable time with the county treasurer and a new certificate of number assigned in the same manner as provided for in an original assignment of number.

~~(4)~~(3) If an agency of the United States government has in force a comprehensive system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this part by the department of justice must be in conformity.

~~(5)~~(4) A certificate of number and a registration decal issued under this part are effective unless terminated or discontinued in accordance with the provisions of this part.

~~(6)~~(5) If ownership is transferred, the purchaser shall notify the county treasurer within a reasonable time of the acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery

from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat, or personal watercraft does not terminate the certificate of number.

~~(7)~~(6) A holder of a certificate of number shall notify the county treasurer within a reasonable time if the holder's address no longer conforms to the address appearing on the certificate and shall furnish the county treasurer with the new address. The department of justice may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

~~(8)~~(7) (a) The number assigned must be painted on or attached to each outboard side of the forward half of the motorboat, sailboat, or personal watercraft or, if there are no sides, at a corresponding location on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The number assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as to be clearly visible and legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. Numerals, letters, or devices other than those used in connection with the identifying number issued may not be placed in the proximity of the identifying number. Numerals, letters, or devices that might interfere with the ready identification of the motorboat, sailboat, or personal watercraft by its identifying number may not be carried in a manner that interferes with the motorboat's, sailboat's, or personal watercraft's identification. A number other than the number assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may not be painted, attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal watercraft. A registration decal issued under this part must be placed next to the identifying number located on the left side of a motorboat, sailboat, or personal watercraft or, if there are no sides, at the corresponding location on the left outboard side of the foredeck of the motorboat, sailboat, or personal watercraft.

(b) The certificate of number must be pocket size and available to federal, state, or local law enforcement officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the motorboat, sailboat, or personal watercraft is on waters of this state.

(c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat, or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal watercraft in place of the certificate of number.

~~(9) Fees, other than the fee in lieu of tax, collected under this section must be transmitted to the department of revenue, as provided in 15-1-504, for deposit in the state general fund.~~

~~(10)~~(8) An owner of a motorboat, sailboat, or personal watercraft shall within a reasonable time notify the department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the

owner's name if the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, or abandoned or within 60 days after a change of the state of principal use or if a motorboat becomes documented as a vessel of the United States."

Section 22. Section 23-2-513, MCA, is amended to read:

"23-2-513. Dealer's or manufacturer's identifying number -- premises -- inspection -- bond -- judgment -- temporary registration permit. (1) A dealer or manufacturer may apply directly to the department of justice for one identifying number and one or more certificates of number. A dealer's or manufacturer's identifying number must be displayed on a dealer's or manufacturer's boat while the boat is operating for a purpose related to the buying, selling, or exchanging of the boat by the dealer or manufacturer.

(2) The application for a dealer's or manufacturer's identifying number must include the dealer's or manufacturer's name and business address. Each dealer or manufacturer must have one identifying number assigned to the dealer's or manufacturer's business.

(3) An application for a dealer's or manufacturer's identifying number and a certificate of number must be accompanied by the following fees:

(a) for the identifying number, first certificate of number, and registration decal, $5;

(b) for each additional certificate of number and registration decal applied for in any application, $2.

(4) The department of justice shall issue certificates of number for the identifying number assigned to a dealer or manufacturer in the same manner as provided in 23-2-512(1) and ~~(8)~~ (7), except that a boat may not be described in a certificate and each certificate must state that the identifying number has been assigned to a dealer or manufacturer. A dealer's or manufacturer's certificate of number expires on December 31 of the year for which it is issued.

(5) A dealer's or manufacturer's identifying number must be displayed in the same manner as provided in ~~23-2-512(8)~~ 23-2-512(7), except that the number may be temporarily attached. The last three letters must be "DLR" for dealer and "MFR" for manufacturer. These letters must be included, respectively, in dealer or manufacturer identification numbers.

(6) A person other than a dealer or manufacturer or an employee of a dealer or manufacturer may not display or use a dealer's or manufacturer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats owned by the dealer or manufacturer.

(7) A dealer or manufacturer or an employee of a dealer or manufacturer may not use a dealer's or manufacturer's identifying number for any purpose other than the purpose described in subsection (1).

(8) A dealer shall maintain a principal place of business, coinciding with the business address listed on the application, where all business records are maintained and where the dealer displays, sells, and services

merchandise. The dealer shall display a sign at the place of business that clearly states the name of the business. The premises of the dealer's principal place of business must be inspected by an official of the department of justice to ensure compliance with this section.

(9) To qualify for renewal of a boat dealer's license, the dealer shall certify to the department of justice, upon application for renewal, that the dealer sold five or more boats during the previous license year. If five or more boats were not sold, an additional fee of $50 is required for renewal of the dealer's license.

(10) (a) The applicant for a boat dealer's license shall file with the application a bond of $5,000. The bond must be conditioned that the applicant will conduct the business in accordance with the requirements of the law. All bonds must run to the state of Montana, must be approved by the department of justice and filed in its office, and must be renewed annually.

(b) A person who suffers loss or damage because of the unlawful conduct of a dealer licensed under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. The judgment must determine a specific loss or damage amount and conclude that the licensee's unlawful operation caused the loss or damage before payment on the bond is required.

(11) Prior to the delivery of a motorboat or a sailboat 12 feet in length or longer to a purchaser, the dealer shall issue and affix to a motorboat or a sailboat constructed after October 31, 1972, a temporary registration permit, as defined in ~~61-1-603~~ 61-1-101. The temporary registration permit expires 30 days after the date of issuance. The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice."

Section 23. Section 23-2-515, MCA, is amended to read:

"23-2-515. Registration decal to be displayed. (1) A Montana motorboat, sailboat, or personal watercraft numbered in accordance with the provisions of 23-2-512 or 23-2-513 must display a registration decal. For this purpose, the county treasurer, upon proof of payment of the registration fee ~~in lieu of tax~~ as required by ~~15-16-202 for motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, or personal watercraft~~ 61-3-321(10), shall issue a registration decal prepared and furnished by the department of justice with all new certificates of number and, if applicable, all renewals of the certificates of number.

(2) (a) The registration decal must be of a style and design prescribed by the department of justice.

(b) The registration decal must be serially numbered.

(c) The registration decals issued for a motorboat or sailboat do not expire while the motorboat or sailboat remains in the same ownership.

(3) A registration decal must be displayed on the left side of the forward half, 3 inches aft of the identifying numbers."

Section 24. Section 23-2-519, MCA, is amended to read:

"23-2-519. (Temporary) Penalty -- disposition. (1) Failure to pay the registration fee ~~in lieu of tax~~ as provided for in ~~23-2-517~~ 61-3-321(10) is a misdemeanor, punishable by a fine equal to four times the registration fee ~~in lieu of tax~~ that is due on the motorboat, sailboat, personal watercraft, or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by the department in the enforcement of this part. (Terminates June 30, 2006--sec. 4, Ch. 95, L. 2001.)

23-2-519. (Effective July 1, 2006) Penalty -- disposition. (1) Failure to pay the registration fee ~~in lieu of tax~~ as provided for in ~~23-2-517~~ 61-3-321(10) is a misdemeanor, punishable by a fine equal to five times the registration fee ~~in lieu of tax~~ that is due on the motorboat, sailboat, personal watercraft, or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by the department in the enforcement of this part."

Section 25. Section 23-2-601, MCA, is amended to read:

"23-2-601. Definition of terms. As used in 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644, unless the context requires otherwise, the following definitions apply:

(1) "Certificate of title" means the document issued by the department of justice as prima facie evidence of ownership.

(2) "Certificate of registration" means the owner's receipt evidencing payment of fees due in order for the snowmobile to be validly registered.

(3) "dbA" means sound pressure level measured on the "A" weight scale in decibels.

(4) "Department" means the department of fish, wildlife, and parks of the state of Montana.

(5) "New snowmobile" means a snowmobile that has not been previously sold to an owner.

(6) "Operator" includes each person who operates or is in actual physical control of the operation of a

snowmobile.

(7) "Owner" includes each person, other than a lienholder or person having a security interest in a snowmobile, that holds a certificate of title to a snowmobile and is entitled to the use or possession of the snowmobile.

(8) "Person" means an individual, partnership, association, corporation, and any other body or group of persons, regardless of the degree of formal organization.

(9) "Registration decal" means an adhesive sticker produced and issued by the department of justice, its authorized agent, or a county treasurer to the owner of a snowmobile as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department of justice under 61-3-101.

(10) "Roadway" means only those portions of a highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

(11) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, designed primarily for travel on snow or ice, that may be steered by skis or runners and that is not otherwise registered or licensed under the laws of the state of Montana."

Section 26. Section 23-2-614, MCA, is amended to read:

"23-2-614. Exemptions. (1) (a) The provisions of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644, with respect to registration, registration decals, and certification of ownership, do not apply to snowmobiles owned or used by the United States or another state or any agency or political subdivision of the United States or another state.

(b) Snowmobiles owned by the state of Montana or any agency or political subdivision of this state are exempt only from the payment of fees and must otherwise comply with all the requirements of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644.

(2) The provisions of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 with respect to registration, registration decals, and certification of ownership do not apply to unregistered snowmobiles owned by nonresidents of Montana who either:

(a) display visual proof that a nonresident temporary-use permit has been purchased; or

(b) use the snowmobile only in races and for not more than 30 days in the state. "Race" means an organized competition on a predetermined course that is run according to accepted rules."

Section 27. Section 23-2-616, MCA, is amended to read:

"23-2-616. Registration and registration decal -- application and issuance -- use of certain fees. (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person unless it has been registered and a registration decal is displayed in a conspicuous place on the left side of the cowl.

(2) (a) A Montana resident who owns a snowmobile operated on public land shall register the snowmobile at the county treasurer's office in the county where the owner resides.

(b) A county treasurer shall register a snowmobile if:

(i) as of the date that the snowmobile is to be registered, the owner delivers or has delivered an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer has confirmed that the department of justice has an electronic record of title for the snowmobile as provided in 61-3-101.

(c) To register a snowmobile, the county treasurer shall update the electronic record of title maintained by the department of justice, by entering the fees paid and recording any changes to the record.

(3) The owner registering a snowmobile shall pay ~~a~~ the registration fee ~~of $6.50 in calendar year 2004 and, in each subsequent year, $20.50~~ prescribed in 61-3-321(11) and, if the snowmobile has previously been registered, show the county treasurer the registration receipt for the most recent year in which the snowmobile was registered. Upon payment of the proper ~~fees, including the~~ fee ~~in lieu of tax~~, the treasurer shall issue a registration receipt that contains information considered necessary by the department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the application to the department of justice and shall issue to the applicant a registration decal in the style and design prescribed by the department of justice.

(5) The county treasurer may not register a snowmobile under this section unless the applicant has paid the registration fee ~~and the fee in lieu of property tax on the snowmobile as required by 15-16-202~~.

(6) All money collected from payment of registration fees and all interest accruing from use of this money must be forwarded to the ~~department of revenue~~ state, as provided in 15-1-504, for deposit in the state general fund.

~~(7) The county treasurer shall credit all fees in lieu of tax collected on snowmobiles to the state general fund.~~

~~(8) The fee imposed in subsection (3) is a one-time fee except on change of ownership. When ownership of the snowmobile changes, the new owner shall pay the fee in subsection (3).~~"

Section 28. Section 23-2-619, MCA, is amended to read:

"23-2-619. Dealer registration certificate -- use of fees -- temporary registration permit. (1) (a) Unless

the dealer is licensed under the provisions of 61-4-101, a dealer registration certificate must be issued in accordance with 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644.

(b) To qualify as a dealer, the applicant, when registering or renewing a registration, shall:

(i) complete an application:

(A) stating the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock is displayed;

(B) stating the name, address, date of birth, and social security number of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary are sufficient;

(C) identifying other dealerships owned by the applicant, identifying all persons in Montana or in another state having an interest in another dealership owned by the applicant, and disclosing whether the applicant or any other person with interest in a dealership owned by the applicant has been convicted of a felony; and

(D) stating the name and make of all snowmobiles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written franchise or sales agreement;

(ii) provide an affidavit certifying that the applicant has acquired and shall maintain liability insurance for any snowmobile offered for demonstration or loan to a customer;

(iii) execute a certificate to the effect that the applicant has a permanent building for the display and sale of snowmobiles at the location of the premises where sales are conducted;

(iv) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of snowmobiles; and

(v) execute a certificate to the effect that the applicant is a bona fide dealer in snowmobiles and that the dealer is recognized by a manufacturer, importer, or distributor as a dealer in snowmobiles.

(2) The dealer application must be accompanied by an application fee of $5 and a registration fee of $5. Upon receipt of the dealer application and payment of fees, the dealer must be issued two dealer snowmobile identification cards that must be carried by the dealer or the dealer's customer when demonstrating the dealer's snowmobiles.

(3) (a) A dealer shall file a bond in the amount of $5,000.

(b) The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(c) A person who suffers loss or damage because of the unlawful conduct of a dealer registered under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. Before

payment on the bond is required, the judgment must determine a specific loss or damage amount and conclude that the dealer's unlawful operation caused the loss or damage.

(4) The dealer shall have a principal place of business where the dealer maintains all business records and where the dealer displays and sells merchandise.

(5) An applicant for renewal of a snowmobile dealer registration shall certify that the applicant has sold five or more snowmobiles during the preceding year or pay an additional $50 renewal registration fee or provide a copy of a written new snowmobile franchise or sales agreement that the applicant has with a manufacturer, importer, or distributor.

(6) Additional dealer snowmobile identification cards as required by need justified to the department of justice may be purchased by the dealer for a fee of $2.

(7) Dealer registration certificates and identification cards expire on June 30 following the date of issuance.

(8) Prior to the delivery of a snowmobile to the purchaser, the dealer shall issue and affix to the snowmobile a temporary registration permit. The temporary registration permit expires 20 days after the date of issuance. The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.

(9) (a) The dealer application fees and all interest accruing from use of this money must be deposited in the state special revenue fund to the credit of the department, with one-half designated for use in enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and one-half designated for use in the development, maintenance, and operation of snowmobile facilities.

(b) All money collected from dealer registration and renewal registration fees must be deposited in the general fund."

Section 29. Section 23-2-631, MCA, is amended to read:

"23-2-631. Operation on public roads, streets, and highways. (1) A person may not operate a snowmobile upon a controlled-access highway or facility at any time. Snowmobile operation is permitted on the roadway or shoulder of any public road or highway, state highway, county road, or city street located within the boundaries of any municipality only in the event that:

(a) the street, road, or highway is drifted or covered by snow to the extent that travel on the street, road, or highway by other motor vehicles is impractical or impossible;

(b) the operator has received permission or is otherwise authorized for that travel by the municipality in the case of town or city streets, the board of county commissioners for county roads, or the state highway patrol for all other highways; or

(c) operation has been authorized on municipal streets by a municipal ordinance.

(2) A snowmobile may make a direct crossing of a street or highway whenever the crossing is necessary to get to another authorized area of operation. The crossing must be made at an angle of approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The snowmobile must make a complete stop before entering upon any part of the traffic way, and the operator shall yield the right-of-way to all oncoming traffic.

(3) A snowmobile may not be operated upon a public street or highway when permitted to do so by 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 unless equipped with at least one headlamp and one taillamp, which must be lighted at all times during operation, and unless equipped with a suitable braking device operable by either hand or foot.

(4) (a) Unless operation is otherwise allowed under subsection (4)(b) or (4)(c), the operator of a snowmobile who operates the snowmobile upon a public roadway, street, or highway when allowed to do so under the provisions of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 must have in possession a license to drive a motor vehicle as required by the laws of the state of Montana.

(b) The operator of a snowmobile may operate the snowmobile upon a public roadway, street, or highway when allowed to do so under the provisions of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 if the operator:

(i) has in possession a certificate showing the successful completion of a Montana-approved snowmobile safety education course; and

(ii) is in the physical presence and under the supervision of a person who is 18 years of age or older.

(c) An operator who crosses a street, road, or highway, who operates a snowmobile upon a street, road, or highway that is drifted or covered with snow to the extent that travel on the street, road, or highway by other motor vehicles is impractical or impossible, or who operates a snowmobile in any other areas of the state where operation is lawfully permitted is not required to apply for or possess a driver's license under the laws of the state of Montana."

Section 30. Section 23-2-634, MCA, is amended to read:

"23-2-634. Regulation of snowmobile noise. (1) Except as provided in this section, each snowmobile must be equipped at all times with noise-suppression devices, including an exhaust muffler in good working order and in constant operation. A snowmobile may not be modified by any person in any manner that will amplify or otherwise increase total noise emissions to a level greater than that emitted by the snowmobile as

originally constructed, regardless of date of manufacture.

(2) Each person who owns or operates a snowmobile manufactured after June 30, 1972, but prior to June 30, 1975, shall maintain the machine in such a manner that it will not exceed a sound level limitation of 82 dbA measured at 50 feet.

(3) A snowmobile manufactured after June 30, 1975, except snowmobiles designated for competition purposes only, may not be sold or offered for sale unless that machine has been certified by the manufacturer as being able to conform to a sound level limitation of not more than 78 dbA measured at 50 feet. Each person who owns or operates a snowmobile manufactured after June 30, 1975, shall maintain the machine in a manner so that it will not exceed a sound level limitation of 78 dbA measured at 50 feet.

(4) A manufacturer who certifies that a new snowmobile can comply with the noise limitation requirements of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 shall affix a permanent notice of that certification to every snowmobile offered for sale in the state of Montana.

(5) In certifying that a new snowmobile can comply with the noise limitation requirements of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644, a manufacturer shall make the certification based upon measurements made in accordance with SAE recommended practice J192, as amended. The department, in enforcing the provisions of this section, shall make measurements of snowmobile noise in accordance with applicable practices outlined in the "Procedure for Sound Level Measurements of Snowmobiles" (January, 1969), as amended, used by the international snowmobile industry association or with other standards for measurement of sound level that the department may adopt.

(6) This section does not apply to organized races or similar competitive events held on:

(a) private lands or waters, with the permission of the owner, lessee, or custodian of the land or waters; or

(b) public lands or waters, with the consent of the public agency having the authority to grant consent."

Section 31. Section 23-2-641, MCA, is amended to read:

"23-2-641. Enforcement. (1) With respect to the sale of any new snowmobile that is subject to the provisions of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644, the attorney general shall, upon the request of the department, sue for the recovery of the penalties provided in 23-2-642 and bring an action for a restraining order or temporary or permanent injunction against a person who sells or offers to sell a new snowmobile that does not satisfy the sound level limitations imposed by 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644.

(2) (a) The department is a criminal justice agency for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301. Authorized officers of the department are granted peace officer status with the power:

(i) of search, seizure, and arrest;

(ii) to investigate activities in this state regulated by this part and rules of the department and the fish, wildlife, and parks commission; and

(iii) to report violations to the county attorney of the county in which they occur.

(b) Sheriffs and their deputies of the various counties of the state, the Montana highway patrol, authorized officers of the department, and the police of each municipality shall enforce the provisions of this part."

Section 32. Section 23-2-642, MCA, is amended to read:

"23-2-642. Penalties. (1) The failure to display a current registration decal on a snowmobile is a misdemeanor, punishable by a fine in an amount equal to five times the applicable registration fee ~~in lieu of tax~~ payable under ~~23-2-626~~ 61-3-321.

(2) A person who violates any other provision of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 or a rule adopted pursuant to those sections shall pay a civil penalty of not less than $15 or more than $500 for each separate violation. If the violation is willful, the person shall pay a civil penalty of not less than $50 or more than $1,000 for each separate violation.

(3) A manufacturer who certifies that a new snowmobile meets the sound level limitations imposed by 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 is subject to the penalty provisions of subsection (2) if the machine so certified does not meet the appropriate sound level limitation. For the purposes of this section, each sale of a new snowmobile that does not meet the sound level limitations imposed by 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 constitutes a separate violation."

Section 33. Section 23-2-644, MCA, is amended to read:

"23-2-644. Deposit of funds from fines and forfeitures. All fines and forfeitures collected under 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 relating to snowmobiles, except those collected by a justice's court, must be transmitted to the ~~department of revenue~~ state, as provided in 15-1-504, for deposit in the state general fund."

Section 34. Section 23-2-804, MCA, is amended to read:

"23-2-804. Decal required. (1) Except as provided in 23-2-802, an off-highway vehicle may not be operated by a person for off-road recreation on public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer, as visual proof that the following fees have been paid:

(a) ~~(i) the fee in lieu of tax provided for in 23-2-803; and~~

~~(ii)~~ the registration fee provided for in 61-3-321(5); or

(b) when the vehicle will be used as provided in this section, the registration and taxation fees for motorcycles and quadricycles subject to licensure under 61-3-321(8), as evidenced by presentation of an owner's certificate of registration and payment receipt. The county treasurer may confirm the registration status of a motorcycle or quadricycle by examining the current registration receipt for the vehicle or checking the electronic record of title for the vehicle.

(2) The decal must be serially numbered."

Section 35. Section 23-2-809, MCA, is amended to read:

"23-2-809. Duplicate decal. If a decal required in 23-2-804 indicating that the off-highway vehicle fee has been paid is lost, mutilated, or becomes illegible, the person to whom it was issued shall immediately apply for and obtain a duplicate decal upon payment of a fee of $5 to the county treasurer, who shall ~~distribute~~ forward the fee ~~as provided in 23-2-803~~ to the state, as provided in 15-1-504, for deposit in the state general fund."

Section 36. Section 23-2-818, MCA, is amended to read:

"23-2-818. Dealer registration certificate -- temporary registration permit. (1) (a) Unless the dealer is licensed under the provisions of 61-4-101, a dealer may not sell off-highway vehicles unless the dealer has first obtained a dealer registration certificate from the department of justice under the provisions of this section.

(b) To qualify as a dealer the applicant, when registering or renewing a registration, shall:

(i) complete an application:

(A) stating the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock is displayed;

(B) stating the name, address, date of birth, and social security number of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary are sufficient;

(C) identifying other dealerships owned by the applicant, identifying all persons in Montana or in another state having an interest in another dealership owned by the applicant, and disclosing whether the applicant or

any other person with interest in a dealership owned by the applicant has been convicted of a felony; and

(D) stating the name and make of all off-highway vehicles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written franchise or sales agreement;

(ii) provide an affidavit certifying that the applicant has acquired and shall maintain liability insurance for any off-highway vehicle offered for demonstration or loan to a customer;

(iii) execute a certificate to the effect that the applicant has a permanent building for the display and sale of off-highway vehicles at the location of the premises where sales are conducted;

(iv) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of off-highway vehicles; and

(v) execute a certificate to the effect that the applicant is a bona fide dealer in off-highway vehicles and that the dealer is recognized by a manufacturer, importer, or distributor as a dealer in off-highway vehicles.

(2) The dealer application for registration or renewal of registration must be accompanied by an application or renewal fee of $5 and a registration fee of $5. To qualify for the fees in this subsection, the applicant for renewal shall certify that the applicant has sold three or more off-highway vehicles during the preceding year. Upon receipt of the dealer application or renewal and payment of fees, the dealer must be issued two dealer off-highway identification cards to be carried by the dealer or the dealer's customer when demonstrating the dealer's off-highway vehicles. Additional dealer off-highway vehicle identification cards may be purchased by the dealer from the department of justice for a fee of $2 each.

(3) (a) A dealer shall file a bond in the amount of $5,000.

(b) The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(c) A person who suffers loss or damage because of the unlawful conduct of a dealer registered under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. Before payment on the bond is required, the judgment must determine a specific loss or damage amount and conclude that the dealer's unlawful operation caused the loss or damage.

(4) The dealer shall have a principal place of business where the dealer maintains all business records and where the dealer displays and sells merchandise.

(5) An applicant for renewal of an off-highway vehicle dealer registration who does not qualify under subsection (2) shall:

(a) pay an additional $50 renewal registration fee; and

(b) provide a copy of a new off-highway vehicle franchise or sales agreement that the applicant has with a manufacturer, importer, or distributor.

(6) Dealer registration certificates and identification cards expire on December 31 following the date of issuance.

(7) Prior to delivery of an off-highway vehicle to a purchaser, the dealer shall issue and affix to the off-highway vehicle a temporary registration permit, as defined in ~~61-1-603~~ 61-1-101. The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.

(8) (a) The dealer application fees and all interest accruing from use of this money must be deposited in the general fund to be used by the department of justice for the administration of this part.

(b) All dealer registration fees and renewal fees collected must be deposited in the state general fund."

Section 37. Section 30-11-701, MCA, is amended to read:

"30-11-701. Definitions. As used in this part, the following definitions apply:

(1) "Current net price" means:

(a) with respect to a dealership contract, the price listed in the wholesaler's, manufacturer's, or distributor's price list or catalog in effect at the time a dealership contract is discontinued or, if none is then in effect, the last available price so listed; and

(b) with respect to a distribution contract, the price listed in the manufacturer's or distributor's price list or catalog in effect at the time a distribution contract is discontinued or, if none is then in effect, the last available price so listed.

(2) "Dealership contract" means a written contract between a retailer and a wholesaler, manufacturer, or distributor in which the retailer becomes a dealer in goods sold by the wholesaler, manufacturer, or distributor, evidenced by a franchise agreement, sales agreement, security agreement, or other similar agreement or arrangement.

(3) "Distribution contract" means a written contract between a wholesaler and a manufacturer or distributor in which the wholesaler becomes a dealer in goods sold by the manufacturer or distributor, evidenced by a franchise agreement, sales agreement, security agreement, or other similar agreement or arrangement.

(4) "Inventory" means:

(a) farm implements, machinery, attachments, and repair parts;

(b) industrial and construction equipment and repair parts;

(c) automobiles, trucks, and repair parts sold by an automobile or truck dealer as defined in ~~61-1-314~~ 61-1-101;

(d) motorcycles, motor-driven cycles, recreational vehicles, and quadricycles, as those terms are defined in ~~Title 61, chapter 1, part 1~~ 61-1-101, and repair parts;

(e) snowmobiles, as defined in 23-2-601, and repair parts;

(f) off-highway vehicles, as defined in 23-2-801, and repair parts; and

(g) vessels, as defined in 23-2-502, detachable motors or engines used to propel vessels, and repair parts.

(5) "Net cost" means:

(a) with respect to a dealership contract, the price actually paid for an inventory item by the retailer to the wholesaler, manufacturer, or distributor, plus applicable freight costs paid by or charged to the retailer; and

(b) with respect to a distribution contract, the price actually paid for an inventory item by the wholesaler to a manufacturer or distributor, plus applicable freight costs paid by or charged to the wholesaler.

(6) "Retailer" or "retail dealer" means any individual, partnership, association, or corporation engaged in the business of selling inventory, as defined in this section, to the general public.

(7) "Wholesaler" means any individual, partnership, association, or corporation engaged in the business of selling inventory, as defined in this section, to retailers."

Section 38. Section 33-23-204, MCA, is amended to read:

"33-23-204. Definitions. As used in this part, the following definitions apply:

(1) (a) "Motor vehicle" means a vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of the state.

(b) The term does not include a bicycle as defined in ~~61-1-123~~ 61-8-102.

(2) "Motor vehicle liability policy" means a policy of automobile or motor vehicle insurance against liability required under Title 61, chapter 6, parts 1 and 3, and all additional coverages included in or added to the policy by rider, endorsement, or otherwise, whether or not required under Title 61, including, without limitation, uninsured, underinsured, and medical payment coverages."

Section 39. Section 37-72-101, MCA, is amended to read:

"37-72-101. Construction blasting restrictions -- license required -- definitions -- exemptions. (1) A person may not engage in the practice of construction blasting unless licensed or under the supervision of a person licensed as a construction blaster by the department.

(2) For the purposes of this chapter:

(a) "construction blaster" means a person who engages in construction blasting;

(b) "construction blasting" means the use of explosives to:

(i) reduce, destroy, or weaken any residential, commercial, or other building; or

(ii) excavate any ditch, trench, cut, or hole or reduce, destroy, weaken, or cause a change in grade of any

land formation in the construction of any building, highway, road, pipeline, sewerline, or electric or other utility line;

(c) "department" means the department of labor and industry;

(d) "explosive" has the meaning provided in ~~61-1-506~~ 61-9-102.

(3) This chapter does not apply to the private or commercial use of explosives by persons engaged in farming, ranching, logging, geophysical work, drilling or development of water, oil, or gas wells, or mining of any kind or to the private use of explosives in the removal of stumps and rocks from land owned by the person using the explosives, except that the persons exempted from this chapter by this subsection shall comply with rules adopted under 37-72-201(1)(c) and the provisions of 37-72-102 apply to a violation of those rules by an exempted person.

(4) This chapter does not apply to persons conducting blasting operations when the persons and operations are subject to rules adopted under 82-4-231(10)(e)."

Section 40. Section 45-5-205, MCA, is amended to read:

"45-5-205. Negligent vehicular assault -- penalty. (1) A person who negligently operates a vehicle, other than a bicycle as defined in ~~61-1-123~~ 61-8-102, while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided for in 61-8-401(1), and who causes bodily injury to another commits the offense of negligent vehicular assault.

(2) Subject to subsection (3), a person convicted of the offense of negligent vehicular assault shall be fined an amount not to exceed $1,000 or incarcerated in a county jail for a term not to exceed 1 year, or both, and shall be ordered to pay restitution as provided in 46-18-241.

(3) A person convicted of the offense of negligent vehicular assault who caused serious bodily injury to another shall be fined an amount not to exceed $10,000 or incarcerated for a term not to exceed 10 years, or both, and shall be ordered to pay restitution as provided in 46-18-241.

(4) If a term of incarceration is imposed under subsection (2) or (3), the judge may suspend the term of incarceration upon the condition of payment of any fine imposed and of restitution. If the person does not pay the fine or restitution, the term of incarceration may be imposed."

Section 41. Section 61-1-101, MCA, is amended to read:

"61-1-101. Definitions. ~~Unless~~ As used in this title, unless the context indicates otherwise, the ~~words and phrases defined in this chapter have, as used in this title, the meanings respectively ascribed to them in this chapter.~~ following definitions apply:

(1) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the

transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(2) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

(b) The term does not include a truck canopy cover or topper.

(3) "Certificate of title" means the paper record issued by the department or by the appropriate agency of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons and the motor vehicle specifically described in the record and that provides notice of a perfected security interest in the motor vehicle.

(4) "Commercial driver's license" means:

(a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate a class of commercial motor vehicle; and

(b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid commercial driver's license.

(5) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;

(iii) is designed to transport at least 16 passengers, including the driver;

(iv) is a school bus as defined in 20-10-101; or

(v) is of any size and is used to transport any quantity or form of hazardous material, as defined in 61-8-801, required to be placarded pursuant to Title 49, Code of Federal Regulations.

(b) The following vehicles are not commercial motor vehicles:

(i) an authorized emergency service vehicle:

(A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

(B) entitled to the exemptions granted under 61-8-107; or

(ii) a vehicle:

(A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

(B) used to transport farm products, farm machinery, or farm supplies within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including

any area within that perimeter that is in the adjoining state; and

(C) not used to transport goods for compensation or for hire.

(c) For purposes of this subsection (5):

(i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person;

(ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle; and

(iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle.

(6) "Commission" means the state transportation commission.

(7) (a) "Dealer" means a person, firm, association, or corporation that, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker, as defined in 61-4-131, of new or used motor vehicles, trailers, semitrailers, or pole trailers that are not registered in the name of the person, firm, association, or corporation and that are required to be licensed under chapter 4 of this title.

(b) The term does not include the following:

(i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under a judgment or order of any court of competent jurisdiction;

(ii) employees of the persons included in subsection (7)(b)(i) when engaged in the specific performance of their duties as employees; or

(iii) public officers while performing or in the operation of their duties.

(8) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration.

(9) "Department" means the department of justice acting directly or through its duly authorized officers or agents.

(10) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

(11) "Driver" means a person who drives or is in actual physical control of a vehicle.

(12) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

(a) any temporary license or instruction permit;

(b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

(c) any nonresident's driving privilege;

(d) a motorcycle endorsement; or

(e) a commercial driver's license.

(13) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

(14) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the vehicle.

(15) "Highway" or "public highway" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

(16) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(17) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

(18) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

(19) (a) "Manufactured home" means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards.

(b) The term does not include a mobile home, as defined in 15-1-101 or this section, a housetrailer, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(20) "Manufacturer" includes any person, firm, corporation, or association engaged in the manufacture of motor vehicles, trailers, or semitrailers as a regular business.

(21) "Manufacturer's certificate of origin" means the original paper record produced and issued by the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of ownership of the vehicle to the person or persons named in the certificate.

(22) "Mobile home" or "housetrailer" means a trailer or a semitrailer that is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and that is equipped for use as a conveyance on streets and highways or a trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a housetrailer but that is used permanently or temporarily for the

advertising, sales, display, or promotion of merchandise or services or for any commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(23) "Motor home" means a motor vehicle:

(a) designed to provide temporary living quarters, built as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van;

(b) containing permanently installed independent life support systems that meet the ANSIA/A119.2 standard; and

(c) providing at least four of the following types of facilities:

(i) cooking, refrigeration, or icebox;

(ii) self-contained toilet;

(iii) heating or air-conditioning, or both;

(iv) potable water supply, including a faucet and sink; or

(v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply; or both.

(24) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

(b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard or any successor federal agency.

(25) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by a court that are operating motor vehicles upon a public highway in this state for the transportation of property for hire on a commercial basis.

(b) The term does not include motor carriers regulated under Title 69, chapter 12.

(26) (a) "Motorcycle" means a motor vehicle having not more than three wheels in contact with the ground and a saddle on which the operator sits or a platform on which the operator stands and a driving wheel in contact with the ground in addition to the wheels of the vehicle itself. A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

(b) The term does not include a tractor or a bicycle as defined in 61-8-102.

(27) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces 5 horsepower or less.

(b) The term does not include a bicycle as defined in 61-8-102.

(28) (a) "Motor vehicle" means a vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state;

(b) The term does not include a bicycle as defined in 61-8-102.

(29) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as the result of a retail sale.

(30) "Nonresident" means a person who is not a resident of this state.

(31) (a) "Off-highway vehicle" means a self-propelled vehicle used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

(b) The term does not include:

(i) vehicles designed primarily for travel on, over, or in the water;

(ii) snowmobiles; or

(iii) vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the vehicle is used for off-road recreation on public lands.

(32) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the person in whom is vested the right of possession or control.

(33) "Operator" means a person who is in actual physical control of a motor vehicle.

(34) "Person" means an individual, corporation, partnership, association, firm, or other legal entity. (35) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

(36) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connections.

(37) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(38) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower.

(b) The term does not include golf carts.

(39) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(40) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars coupled to the engine, that is operated upon rails.

(b) The term does not include streetcars.

(41) "Recreational vehicle" includes self-propelled vehicles originally designed or permanently altered to provide temporary facilities for recreational, travel, or camping use.

(42) "Registration decal" means an adhesive sticker produced by the department and issued by the department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, or pole trailer as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department under 61-3-101.

(43) "Registration receipt" means a paper record that is produced and issued or, if authorized by the department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the vehicle for the registration period indicated in the receipt.

(44) "Retail sale" means the sale of a new motor vehicle or used motor vehicle, a recreational vehicle, a trailer, a travel trailer, a motorcycle, a quadricycle, or special mobile equipment by a dealer to a person for purposes other than resale.

(45) "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and may not be renewed or restored. An application for a new license may be presented and acted upon by the department after the expiration of the period of the revocation.

(46) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways, the term refers to any roadway separately but not to all roadways collectively.

(47) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

(48) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(49) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that is not otherwise registered or licensed under the laws of the state of Montana.

(50) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

(51) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use.

(b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

(52) (a) "Stop", when required, means complete cessation from movement.

(b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, highway patrol officer, or traffic control sign or signal.

(53) "Street" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

(54) "Suspension" means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn, but only during the period of suspension.

(55) "Temporary registration permit" means:

(a) a paper record produced and issued by the department, its authorized agent, a county treasurer, or a law enforcement officer to a person to whom ownership of a vehicle was transferred that, when mounted in the left-hand corner of a rear window of a motor vehicle or affixed as prescribed on a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle, authorizes the operation of the vehicle for a specified time period prior to registration under 23-2-512, 23-2-616, 23-2-804, or 61-3-303; or

(b) a durable license plate-style placard approved by the department and issued by an authorized agent of the department or a county treasurer to a person to whom ownership of a vehicle has been transferred that, when attached to the rear of the vehicle in a manner prescribed by the department, authorizes the operation of a motor vehicle for a specified time period prior to registration under 61-3-303.

(56) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel.

(57) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(58) "Transaction summary receipt" means an electronic record produced and issued by the department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the

department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain a unique transaction record number and summarize and verify the electronic filing of the transaction described in the receipt on the electronic record of title maintained under 61-3-101.

(59) "Travel trailer" means a trailer 45 feet or less in length and 8 feet or less in width originally designed or permanently altered to provide temporary facilities for recreational, travel, or camping use and not used as a principal residence.

(60) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(61) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

(62) "Under the influence" has the meaning provided in 61-8-401.

(63) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, given away, or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is commonly known as "secondhand" within the ordinary meaning of that term.

(64) "Van" means a motor vehicle designed for the transportation of at least six persons and not more than nine persons and intended for but not limited to family or personal transportation without compensation.

(65) "Vehicle" means a device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails or tracks.

(66) "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

(67) "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(68) "Wholesaler" means a person, firm, partnership, association, or corporation that for a commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, recreational vehicle, trailer, semitrailer, pole trailer, special mobile equipment, motorcycle, or quadricycle only to vehicle dealers and auto auctions licensed under chapter 4, part 1."

Section 42. Section 61-3-101, MCA, is amended to read:

"61-3-101. Duties of department -- records. (1) (a) The department shall create and maintain a central

registry of electronic files that includes an electronic record of title as specified in this section for motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, and snowmobiles for which:

(i) an application for a certificate of title has been received by the department, its authorized agent, or a county treasurer;

(ii) a certificate of title has been issued by the department; or

(iii) a registration, security interest, or lien transaction has been recorded by the department.

(b) The central registry of electronic files described in subsection (1) must include an electronic record of registration for each motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, and snowmobile registered in this state:

(i) for which the certificate of title was issued by another jurisdiction and that was registered in another jurisdiction; or

(ii) for which a certificate of title has not been issued or is not required.

(2) The electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile must contain the following information:

(a) the name, residence, and mailing address of the owner and:

(i) if the owner is the holder of a driver's license or identification card issued by the department or by a motor vehicle agency of another jurisdiction, the owner's driver's license or identification card number and the issuing jurisdiction; or

(ii) if the owner is a corporation, the registered agent's name and, if the agent is the holder of a driver's license or identification card, the agent's driver's license or identification card number and the issuing jurisdiction;

(b) a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, including, as pertinent to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile:

(i) the manufacturer of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(ii) the manufacturer's designation of the style of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(iii) the identifying number;

(iv) the manufacturer's designated model year of manufacture and the odometer reading, if applicable, at the time of the transfer of ownership;

(v) the character of the motive power and the shipping weight of the motor vehicle, trailer, semitrailer, pole

trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile as shown by the manufacturer;

(vi) the distinctive license number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, if any;

(vii) the gross vehicle weight and gross vehicle weight rating, as determined by the manufacturer, or, for a trailer operating interstate, the declared weight;

(viii) the unique transaction record number, when available and assigned by the department, for each transaction pertaining to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and the date of each transaction;

(ix) any brand required under state law or any brand carried forward from a certificate of title surrendered from another jurisdiction;

(x) if the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been or is currently registered in this state, the distinctive license plate number or certificate number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and a record of all fees and local option taxes, if applicable, paid for the current and preceding registration periods; and

(xi) other information that may be required for registration or may from time to time be found desirable.

(3) The electronic record of registration for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile must contain, at a minimum, the following information:

(a) the name, residence, and mailing address of the owner and the driver's license or identification card data required in subsections (2)(a)(i) and (2)(a)(ii);

(b) the same data that is required under subsection (2)(b) for the electronic record of title; and

(c) any other data consider to be pertinent by the department.

(4) In order to prevent an accumulation of unneeded records and files, regardless of any other statutory requirements, the department may destroy all records and files that relate to motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles that have not been registered within the preceding 4 years and that do not have an active lien.

(5) Subject to the provisions of Title 61, chapter 11, part 5, motor vehicle records maintained by the department must be open to inspection during reasonable business hours, and the department shall furnish any information from the records, except personal information and highly restricted personal information, as defined in 61-11-503, upon payment by the applicant of the cost of the information requested. Prior to providing the information, the department shall require the applicant to provide identification. The department may not disclose personal information or highly restricted personal information except as permitted or required under 61-11-507, 61-11-508, or 61-11-509."

Section 43. Section 61-3-103, MCA, is amended to read:

"61-3-103. Filing of security interests -- perfection -- rights -- procedure -- fees. (1) (a) Except as provided in subsection (2), the department, its authorized agent, or a county treasurer shall, upon payment of the fee required by subsection (8), enter a voluntary security interest or lien against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile upon receipt of a written acknowledgment by a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner of a voluntary security interest or lien on a form required by the department. The entry may be made if:

(i) the person is applying for a certificate of title and the manufacturer's certificate of origin or a certificate of title is being surrendered; or

(ii) a transfer of ownership is not sought.

(b) After the voluntary security interest or lien has been entered on the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the department, its authorized agent, or a county treasurer shall issue a transaction summary receipt to the owner and, if requested, to the secured party or lienholder, showing the date that the security interest or lien was perfected.

(c) A voluntary security interest or lien is perfected on the date that the department, its authorized agent, or a county treasurer receives the written acknowledgment of the voluntary security interest or lien from the owner of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(d) Unless a person applying for a certificate of title requests issuance of a certificate of title under 61-3-201, the department may not record a voluntary security interest or lien on the face of a certificate of title.

(2) A security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile held as inventory by a dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.

(3) Whenever a security interest or lien is filed against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is subject to two security interests previously perfected under this section and the applicant has requested issuance of a certificate of title under 61-3-201, the department shall endorse on the face of the certificate of title, "NOTICE. This ~~motor~~ vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests is not required to be endorsed on the certificate.

(4) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, trailer,

semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(5) A secured party or lienholder who has a perfected security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and who fails to file a satisfaction of the security interest or lien within 21 days after receiving final payment is required to pay the department $25 for each day that the secured party or lienholder fails to file the satisfaction.

(6) Within 24 hours after receiving notice of any involuntary liens or attachments against the record of any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile registered in this state, the department shall mail to the owner or any secured party or lienholder of record a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching creditor.

(7) (a) This section does not prevent a secured party or lienholder from assigning the secured party's or lienholder's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, for which a certificate of title is issued under this chapter, to any other person without the consent of and without affecting the interest of the holder of the certificate of title.

(b) If a secured party assigns all or part of the party's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title is issued under this chapter, the secured party assigning the interest shall file a copy of the assignment with the department and the department shall record the assignment in the department's records.

(8) (a) A fee must be paid to the department to file any security interest or other lien against a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The fee covers the cost of entering and, upon the subsequent satisfaction or release, of removing the security interest or lien from the electronic record of title.

(b) Beginning January 1, 2002, and ending June 30, 2011, the fee is $8. Of the $8 fee, $4 must be deposited in the state general fund in accordance with 15-1-504. The remaining $4 must be forwarded to the ~~department of revenue~~ state for deposit in the motor vehicle information technology system account provided for in 61-3-550.

(c) Beginning July 1, 2011, the fee is $4 and must be deposited in the state general fund.

(9) A fee of $10 must be paid to the department by a vehicle owner if, following satisfaction or release of a

security interest and its removal from the department's records, the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. The $10 fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550. (Subsection (9) terminates June 30, 2013--sec. 15, Ch. 562, L. 2003.)"

Section 44. Section 61-3-106, MCA, is amended to read:

"61-3-106. Report of stolen and recovered motor vehicles -- accessibility -- insurance fraud and theft reporting -- immunity. (1) It is the duty of the sheriff of each county of the state and of the chief of police or commissioner of police of each city to make an immediate entry regarding each theft or recovery of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile ~~theft or recovery~~ into the state automated stolen motor vehicle file maintained by the department on the state's criminal justice information system. Failure on the part of any officer to make the immediate entry is considered ~~misfeasance~~ malfeasance in office and constitutes grounds for removal. Upon entry of the information, the state's criminal justice information system and the national crime information center must be allowed immediate access to the state automated stolen motor vehicle file. The department shall file reports of stolen and recovered motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles reported to it from other states.

(2) The state automated stolen motor vehicle file must be made available to the secretary of state or other proper official in each state of the United States through access to the national crime information center.

(3) Upon written request to an insurer by an authorized governmental agency or upon an insurer's own initiative to notify a specific lienholder, an insurer or an agent authorized by an insurer to act on its behalf shall release to the requesting agency or lienholder relevant information in the insurer's possession relating to any specific motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance fraud.

(4) (a) Except as otherwise provided by law, information furnished pursuant to this section is privileged and may not become part of a public record. The evidence or information is not subject to a subpoena duces tecum in a civil or criminal proceeding unless the court determines after reasonable notice to the parties listed in subsection (4)(b) and a hearing that the public interest and any ongoing investigation by the parties listed in subsection (4)(b) will not be jeopardized by compliance with the subpoena duces tecum.

(b) The notice required by subsection (4)(a) must be sent to an insurer, an agent authorized by an insurer to act on its behalf, an authorized governmental agency that has an interest in the information, and a specific lienholder.

(5) An authorized governmental agency provided with information pursuant to this section may release or provide the information to any other authorized governmental agency.

(6) An insurer, an agent authorized by an insurer to act on its behalf, or an employee of an insurer or agent is not subject to civil or criminal liability in any cause of action for releasing or receiving information under this section.

(7) As used in this section, the following definitions apply:

(a) "Authorized governmental agency" means:

(i) any constituted criminal investigative department or agency of the United States;

(ii) the state department of justice;

(iii) the state auditor's office;

(iv) a peace officer of the state or a political subdivision of the state; or

(v) a prosecuting attorney of any state, of any political subdivision of any state, or of the United States or any district of the United States.

(b) "Relevant information" includes but is not limited to:

(i) insurance policy information related to any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance fraud under investigation, including an application for a policy;

(ii) available policy premium payment records;

(iii) the history of previous claims made by the insured; and

(iv) information relating to the investigation of any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance fraud, including statements of any person, proof of loss and notice of loss, and any information that an insurer knows or reasonably believes reveals or may reveal the identity of a person who it has reason to believe committed a criminal or fraudulent act relating to a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance claim or has knowledge of an act that has not been reported to an authorized governmental agency.

(c) "Specific lienholder" means a person or firm that holds a security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile involved in a specific motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile theft or motor vehicle insurance fraud."

Section 45. Section 61-3-107, MCA, is amended to read:

"61-3-107. Identification number for trailers, campers, and other motor vehicles. (1) A trailer,

semitrailer, pole trailer, housetrailer, or camper that does not have a manufacturer's or other identifying number on the trailer, semitrailer, pole trailer, housetrailer, or camper must be assigned an identification number by the department.

(2) The department may not issue a certificate of ownership or a certificate of title or reissue a certificate of ownership or a certificate of title covering a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile on which the identification number has been altered, removed, obliterated, defaced, omitted, or is otherwise absent unless the owner or other person lawfully in possession of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile files an application with the department, accompanied by a fee of $5. The application must be on a form provided by the department and must contain information required by the department for the assignment of a special identification number for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. Upon receipt of the application and if the department is satisfied that the applicant is entitled to the assignment of an identification number, the department shall designate a special identification number for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The department shall note the special identification number on the application and on records to be kept by the department. This assigned identification number must be stamped or securely attached in a conspicuous position on the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in the manner and form prescribed by the department.

(3) If the true identity of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile can be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks, the department may not assign a special identification number and shall replace the motor vehicle's, trailer's, semitrailer's, pole trailer's, camper's, motorboat's, personal watercraft's, sailboat's, or snowmobile's identification mark by duplicating the manufacturer's full numeric or alphanumeric identification sequence. The department may replace an identification mark only after conducting an inquiry to determine that ownership of the motor vehicle bearing a restored identification mark has been lawfully transferred to the applicant. The applicant shall apply for and the department shall replace the identification mark on the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile as required under subsection (2).

(4) Upon receipt by the department of a certificate of inspection completed by a peace officer or authorized member of the department verifying that the identification number has been stamped or securely attached in a conspicuous position upon the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, accompanied by an application for a certificate of ownership or a certificate of title and the required fee, the department shall use the number as the numeric or alphanumeric identification

mark for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in any certificate of ownership or a certificate of title that may be issued."

Section 46. Section 61-3-110, MCA, is amended to read:

"61-3-110. Contract rental price adjustment -- not sale or security interest. In the case of a motor vehicle, trailer, ~~or~~ semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, a transaction does not create a sale or security interest solely because it permits or requires that the rental price be adjusted either upward or downward under the agreement by reference to the amount realized upon the sale or other disposition of the motor vehicle, trailer, ~~or~~ semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. To the extent that a conflict exists, this section supersedes any other provision of law."

Section 47. Section 61-3-201, MCA, is amended to read:

"61-3-201. Certificate of title required -- exclusions. (1) Except as provided in subsection (2), the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(2) The following motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

(a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

(b) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is:

(i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

(ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;

(c) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by a nonresident of this state;

(d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile regularly engaged in the interstate transportation of ~~person~~ persons or property and:

(i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

(ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

(e) a vehicle moved solely by human or animal power;

(f) an implement of husbandry;

(g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to agricultural land;

(h) a self-propelled wheelchair or tricycle used by a person with a disability; or

(i) a dolly or converter gear.

(3) The certificate of title is valid until canceled by the department upon a transfer of any interest shown in the certificate of title, and annual renewal is not needed."

Section 48. Section 61-3-202, MCA, is amended to read:

"61-3-202. Certificate of title -- issuance -- contents -- joint ownership. (1) A certificate of title issued by the department must contain:

(a) the date issued;

(b) the name and address of the owner;

(c) the mileage disclosed by the transferor when ownership of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred, including a notation that the record mileage is actual, not actual, or exceeds mechanical limits;

(d) the name and address of each secured party and lienholder, in the order of priority and perfection or, if the application was based on a surrendered certificate of title, in the order that the names and addresses are shown on the certificate of title;

(e) the title number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(f) the name of the jurisdiction in which the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner resides~~;~~, the words "certificate of title"~~;~~, the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile identification number~~;~~, the manufacturer's designated model year of manufacture, make, and model of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile~~;~~, and any required or carried-forward brands;

(g) the unique transaction record number, if available and assigned by the department; and

(h) any other data that the department prescribes.

(2) A certificate of title issued by the department is valid until canceled by the department upon:

(a) a transfer, in the electronic record, of title of any ownership interest shown in the certificate of title;

(b) notice received by the department of the surrender of the certificate of title to a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile ~~title-issuing~~ to a title-issuing agency of another jurisdiction for an issuance of a title in that jurisdiction;

(c) the issuance of a duplicate certificate of title; or

(d) a determination by the department that the certificate of title contains a substantial error or that the person who requested issuance of the certificate of title paid the required fees and taxes with an insufficient funds check.

(3) (a) Whenever the conditions described in subsection (2)(d) occur, the department shall:

(i) give prompt written notice of the cancellation of the certificate of title to any owner, secured party, or lienholder of record; and

(ii) stop any change to the electronic record of title.

(b) The action taken by the department under subsection (3)(a) prevents the transfer of any ownership interest until the error is corrected or the fees and taxes have been paid.

(4) If the names and addresses of more than one owner are listed on the certificate of title, joint ownership with right of survivorship, and not as tenants in common, is presumed."

Section 49. Section 61-3-204, MCA, is amended to read:

"61-3-204. Replacement certificate of title -- application. (1) If a certificate of title is lost, stolen, destroyed, mutilated, or becomes illegible or if the owner wants to update personal information on the electronic record of title or have a replacement certificate of title issued with updated information, the owner, as shown on the electronic record of title, may apply for and request the department to issue a replacement certificate of title. The application must include satisfactory evidence of the facts requiring the replacement certificate of title and be accompanied by a fee of $10. Of the $10 fee, $5 must be deposited in the state general fund in accordance with 15-1-504, and the remaining $5 must be ~~forwarded to the department for deposit~~ deposited in the motor vehicle information technology system account provided for in 61-3-550.

(2) Each replacement certificate of title issued by the department must contain the following statement: "This replacement voids any previously issued title.""

Section 50. Section 61-3-205, MCA, is amended to read:

"61-3-205. Transfer of ownership of vehicles by insurance company. (1) When an insurance company or its adjuster has taken possession of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile as a result of settling an insurance claim and transfers ownership of

the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, it shall deliver to the transferee at the time of transfer a certificate of title signed and acknowledged by the registered owner or owners before the county treasurer, a deputy county treasurer, or a notary public.

(2) If the certificate of title names one or more holders of a perfected security interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the insurance company or its adjuster shall also secure and deliver to the transferee a release from the secured party of the security interest."

Section 51. Section 61-3-206, MCA, is amended to read:

"61-3-206. Odometer disclosure requirements on transfer of vehicle -- dealer to preserve record. (1) Except as provided in subsection (3), before executing any transfer of ownership document relating to a motor vehicle, each seller of a motor vehicle shall record on the certificate of title the odometer reading at the time of transfer or, if the certificate of title does not provide for the recording of the odometer reading, furnish to the purchaser a written statement that is signed by the seller, who shall also print the seller's name on the written statement, and that contains the following information:

(a) the odometer reading at the time of transfer;

(b) the date of transfer;

(c) the seller's name and current address;

(d) the purchaser's name and current address;

(e) the motor vehicle year, make, model, body style, and identification number;

(f) one of the following statements or certification:

(i) a certification by the seller that, to the best of the seller's knowledge, the odometer reading reflects the actual miles or kilometers the vehicle has been driven;

(ii) if the seller knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit of 99,999 miles or kilometers, the seller shall include a statement to that effect; or

(iii) if the seller knows that the odometer reading differs from the number of miles or kilometers the motor vehicle has actually traveled and that the difference is greater than that caused by odometer calibration error, the seller shall include a statement that the odometer reading is not the actual mileage and should not be relied upon.

(2) The purchaser shall acknowledge receipt of the disclosure statement by signing it and printing the purchaser's name on the disclosure statement.

(3) The seller of the following types of motor vehicles need not disclose the odometer reading of the vehicle as required in subsection (1):

(a) a motor vehicle that is 10 years old or older;

(b) a vehicle, trailer, semitrailer, pole trailer, camper, or sailboat that is not self-propelled;

(c) a new motor vehicle transferred between dealers or wholesalers prior to its first retail sale, unless the motor vehicle has been used as a demonstrator;

(d) a motor vehicle having a gross weight rating of more than 16,000 pounds; or

(e) a motor vehicle sold directly by the manufacturer to an agency of the United States.

(4) A dealer or wholesaler licensed under chapter 4 of this title shall create a record of the information required in subsection (1) and shall maintain and preserve that record for at least 5 years after the date of sale of the motor vehicle to which the information pertains."

Section 52. Section 61-3-208, MCA, is amended to read:

"61-3-208. Affidavit and bond for certificate of title. (1) If an applicant for a certificate of title cannot provide the department with the certificate of title that assigns the prior owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to the applicant, the department may issue a certificate of title if subsection (2) is complied with.

(2) (a) The applicant shall submit an affidavit in a form prescribed by the department that must be signed and sworn to before an officer authorized to administer oaths and affirmations. The affidavit must accompany the application for the certificate of title and must:

(i) include the facts and circumstances through which the applicant acquired ownership and possession of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(ii) disclose security interests, liens, or encumbrances that are known to the applicant and that are outstanding against the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(iii) state that the applicant has the right to have a certificate of title issued.

(b) The application must satisfy one of the following conditions:

(i) The vehicle for which the application is being made must be a ~~boat~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile, and the loss of the certificate of title must be established by the applicant to the department's satisfaction.

(ii) The applicant shall certify in the affidavit that the value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile for which the application is made is $500 or less as indicated by the average trade-in or wholesale value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length

or longer, or snowmobile as determined by the applicable national appraisal guide for the vehicle as of January 1 for the year in which the application is made or, if a national appraisal guide is not available for a ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile, according to the applicant's knowledge and belief.

(iii) The applicant shall provide a bond, in a form prescribed by the department, issued by a surety company authorized to do business in this state, in an amount equal to the value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile for which the application is being made, as determined by the surety company. The bond is conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured creditor, or encumbrancer of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile and any respective successors in interest against expenses, losses, or damages, including reasonable attorney fees, caused by the issuance of the certificate of title or by a defect in or undisclosed security interest upon the right, title, and interest of the applicant in the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile.

(3) Any interested person has a right of action to recover on the bond furnished under this section for a breach of its conditions, but the aggregate liability of the surety to all persons may not exceed the amount of the bond.

(4) Unless the department has been notified of a pending action to recover the bond furnished under this section, the department shall return the bond at the earlier of:

(a) 3 years from the date of issuance of the certificate of title; or

(b) the date of surrender of the valid certificate of title to the department if the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is no longer required to have a certificate of title in this state."

Section 53. Section 61-3-210, MCA, is amended to read:

"61-3-210. Definitions. As used in this part, the following definitions apply:

(1) "Cab" means the passenger compartment of a ~~common~~ truck or pickup truck. It is a unit of construction that includes the top or roof and the cowl and may or may not include glass, instrumentation, the steering column, and a seat or seats.

(2) "Center structure" includes the section of either a unibody or frame-type passenger motor vehicle that consists of a unit of sheet metal that extends from the firewall to the back of the rear seat or the centerline of the rear wheels. The structure may comprise the roof, side and rear window posts, cowl panel, dash panel, floor

pans, doors, and rocker panels if two or more of these parts are assembled together as one unit.

(3) "Component part" means the front-end assembly, center structure, or tail section of an automobile, the cab of a truck, the bed of a 1-ton or lighter truck, the frame of a motor vehicle, or any part of a motor vehicle that contains a vehicle identification number or a derivative of a vehicle identification number.

(4) "Frame" means the structure that supports the automobile body and other external component parts.

(5) "Front-end assembly" includes the hood, right front and left front fenders, grill, bumper, and radiator supports if two or more of these parts are assembled together as one unit forward of the firewall.

(6) "Salvage certificate" means a certificate of title issued by the department for a salvage vehicle that may be used to retitle the motor vehicle.

(7) "Salvage vehicle" means a motor vehicle damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the owner, an insurer, or ~~other~~ another person acting on behalf of the owner determines that the cost of parts and labor makes it uneconomical to repair the vehicle.

(8) "Salvage vehicle purchaser" means a person, other than an insurer, who purchases or otherwise obtains possession of a salvage vehicle.

(9) "Tail section" includes the floor pan, right rear and left rear quarter panels, deck lid, upper rear and lower rear panels, and rear bumper if two or more of these parts are assembled together as one unit.

~~(10) "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the vehicle or a component part of the vehicle.~~"

Section 54. Section 61-3-211, MCA, is amended to read:

"61-3-211. Surrender of certificate of title -- issuance of salvage certificate -- salvage retitling requirements. (1) An insurer acquiring ownership of a motor vehicle that is less than 5 years of age and that the insurer determines to be a salvage vehicle shall surrender the certificate of title to the department within 15 days after acquiring the certificate of title. If the insurer has not sold the salvage vehicle prior to the time of surrendering the certificate of title, the insurer shall apply for a salvage certificate on a form prescribed by the department. If the certificate of title names one or more holders of a perfected security interest in the motor vehicle, the insurer shall secure and deliver to the department a release from each secured party of the secured interest.

(2) Upon receipt of a properly executed certificate of title and a salvage certificate application from an insurer, the department shall issue a salvage certificate to the insurer within 5 working days of the date of receipt of the application. Upon receipt of a salvage certificate issued by the department, an insurer may possess, retain, transport, sell, transfer, or otherwise dispose of the salvage vehicle. The salvage certificate is

prima facie evidence of ownership of a salvage vehicle.

(3) If the insurer sells a salvage vehicle within the 15-day period established in subsection (1) prior to surrendering the certificate of title, the insurer shall complete a salvage receipt on a form prescribed by the department. The insurer shall deliver the original salvage receipt to the salvage vehicle purchaser only after obtaining a clear title and lien release. Prior to disposing of the salvage vehicle, the salvage vehicle purchaser shall apply for a salvage certificate by completing the salvage receipt and submitting it to the department. The insurer shall deliver a copy of the salvage receipt with the surrendered certificate of title to the department. Upon receipt of the certificate of title from the insurer and the application from the salvage vehicle purchaser, the department shall issue a salvage certificate to the salvage vehicle purchaser that is prima facie evidence of ownership.

(4) If an insurer determines that a salvage vehicle will remain with the owner after an agreed settlement, the insurer shall notify the department of the settlement on a form prescribed by the department. Upon receipt of the notice, the department may require the owner to surrender the certificate of title in compliance with this part, regardless of whether ownership of the salvage vehicle was obtained in a jurisdiction not requiring the surrender of the certificate of title or a comparable ownership document.

(5) At the time of surrender of a certificate of title for a salvage vehicle not acquired by an insurer, the department shall issue a salvage certificate to the owner. Upon receipt of a salvage certificate issued by the department to a noninsurer, the owner may possess, retain, transport, sell, transfer, or otherwise dispose of the salvage vehicle. A salvage certificate is prima facie evidence of ownership of a salvage vehicle.

(6) A fee of $5 must be paid to the department for the issuance of a salvage certificate.

(7) A salvage vehicle owned by or in the inventory of a motor vehicle wrecking facility on October 1, 1991, is exempt from the provisions of this section if the owner of the facility has complied with the provisions of 75-10-513(2)."

Section 55. Section 61-3-212, MCA, is amended to read:

"61-3-212. Retitling salvage vehicles -- penalty. (1) Prior to operating a salvage vehicle on the roads and highways of this state, the owner shall present the motor vehicle and the salvage certificate, if one has been issued, or the certificate of title, the appropriate receipts or bills of sale establishing ownership, and the source of component parts used to rebuild the motor vehicle to a department employee or designated peace officer for inspection, as provided in 61-3-223. An owner may obtain a 72-hour temporary registration permit from the department or its designee for the purpose of moving a salvage vehicle to and from the designated inspection site.

(2) (a) The inspector shall inspect the motor vehicle to verify the identity of the motor vehicle.

(b) The inspector shall verify that the component parts used to rebuild the motor vehicle are evidenced by traceable receipts or bills of sale and that there are no indications that the motor vehicle or any of its parts are stolen. Documentation provided by the owner or employee of a wrecking facility licensed under the provisions of Title 75, chapter 10, part 5, is prima facie evidence of the facts stated in the documentation.

(3) Following inspection and prior to operating the motor vehicle on the roads and highways of this state, the owner shall apply for a new certificate of title by submitting the application, the salvage certificate, receipts or bills of sale, and a copy of the inspection report to the department.

(4) Upon receipt of the application, required documentation, and payment of the fee required in 61-3-203, the department shall issue a new certificate of title with the words "rebuilt salvage" on the face of the certificate of title.

(5) A person failing to comply with the provisions of this part is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed $500. The salvage vehicle purchaser shall produce the salvage certificate upon request of a public official legally entitled to request the certificate. A person may not operate or use a salvage vehicle on the roads or highways of this state except when a temporary registration permit has been issued as provided in subsection (1)."

Section 56. Section 61-3-216, MCA, is amended to read:

"61-3-216. Certificates of title -- application -- contents -- issuance. (1) The owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile shall apply for a certificate of title on a form prescribed by the department or, if authorized by the department, in an electronic record provided by the department and made available to an authorized agent of the department or a county treasurer.

(2) The application for a certificate of title, upon completion, must include:

(a) the name, residence, and mailing address of the owner and:

(i) if the owner is the holder of a driver's license or identification card issued by the department or a motor vehicle agency of another jurisdiction, the owner's driver's license number or identification card number and the name of the jurisdiction issuing the license or card; or

(ii) if the owner is a corporation, the name of the corporation's registered agent's and, if the agent is the holder of a driver's license or identification card, the agent's driver's license number or identification card number and the name of the jurisdiction issuing the license or card;

(b) a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, including, as available and pertinent to the vehicle:

(i) the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or

snowmobile make, model, manufacturer's designated model year of manufacture, vehicle identification number, and type of body and a description of motive power;

(ii) the odometer reading, if applicable, at the time of transfer of ownership;

(iii) the gross vehicle weight rating, gross vehicle weight, or shipping weight, if applicable, as determined by the manufacturer;

(iv) whether the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was new or used at the time of transfer; and

(v) ~~if the vehicle is~~ for a trailer operating intrastate, its declared weight;

(c) the date on which the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was purchased by or was transferred to the applicant, the name and address of the person from whom the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was acquired, and the names and addresses of any secured parties or lienholders for whom the applicant is acknowledging a voluntary security interest;

(d) any other information that the department requires to identify the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and to enable the department to determine whether the owner is entitled to a certificate of title and to determine the existence of security interests in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(e) if applicable, an odometer statement containing the information required in 61-3-206 or, if the title does not contain a space for the information, a separate document approved by the department that provides the same information that is required in 61-3-206; and

(f) a section that gives the applicant the option to direct the department, upon examination and review of the records and completion of the application process, to:

(i) issue a certificate of title as soon as possible; or

(ii) update the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, issue a transaction summary receipt, and postpone the issuance of a certificate of a title until the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner submits a separate request for issuance of the certificate of title.

(3) If the application is for a certificate of title to a new motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the application must be accompanied by a manufacturer's certificate of origin, properly assigned to the applicant.

(4) Except as provided in 61-3-208 or subsection (4)(b) of this section, if the application is for a certificate of

title to a used motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the application must be:

(a) accompanied by a certificate of title that is properly assigned by the prior owner to the applicant; or

(b) acknowledged by the prior owner if the prior owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was assigned to the applicant by means of a transfer on the electronic record of title entered by an authorized agent of the department or a county treasurer.

(5) If the application is for a certificate of title to a camper and if a certificate of title properly assigned by the prior owner is not available, the application must be accompanied by a notarized bill of sale or a conditional sales contract.

(6) If the application is for a certificate of title to a motorboat, a personal watercraft, a sailboat that is 12 feet in length or longer, or a snowmobile and a certificate of title properly assigned by the prior owner is not available, the application must be accompanied by a notarized bill of sale, an invoice, the ~~vehicle's~~ current registration receipt for the motorboat, personal watercraft, sailboat, or snowmobile, or a certificate of number showing the transfer of ownership, which may be used to show the transfer of ownership for a motorboat, personal watercraft, ~~or~~ sailboat, or snowmobile from the immediate prior owner to the applicant."

Section 57. Section 61-3-217, MCA, is amended to read:

"61-3-217. Certificate of title -- duties -- examination of application -- records check -- incomplete application. (1) (a) Upon receipt of an application for a certificate of title and any supporting documents, an authorized agent of the department or a county treasurer shall:

(i) review the application and documents;

(ii) complete the records check required in subsection (2); and

(iii) if an authorized agent of the department or the county treasurer is satisfied as to the genuineness and regularity of the application and satisfied that the applicant is entitled to the issuance of a certificate of title, enter the transfer of interest on the electronic record of title.

(b) If an authorized agent of the department or the county treasurer is not satisfied as to the genuineness and regularity of the application or is not satisfied that the applicant is entitled to the issuance of a certificate of title, the authorized agent or the county treasurer may not enter the transfer of interest on the electronic record of title.

(c) If an authorized agent of the department or the county treasurer enters the transfer of interest on the electronic record of title, an authorized agent or the county treasurer shall:

(i) issue a transaction summary receipt to the applicant and, if requested, to any secured party or lienholder

with a perfected security interest; and

(ii) as prescribed by the department, forward to the department the application, the assigned certificate of title, and any other documents provided in support of the application.

(2) The department, its authorized agent, or a county treasurer who first receives an application for a certificate of title shall check the vehicle identification number shown on the application against:

(a) the records of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles maintained by the department under 61-3-101;

(b) the reported stolen motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile databases maintained on the state's criminal justice information network and by the national crime information center; and

(c) any other records or databases prescribed by the department.

(3) (a) Upon receipt of an application for a certificate of title and supporting documents that have been processed by an authorized agent of the department or a county treasurer, the department shall review the documents to determine if the application is complete. If the department determines that the application is incomplete, the department shall enter the incomplete status of the application on the electric record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and return to the applicant, by first-class mail, the application and all supporting documents. The department shall provide a statement with a specific description of the additional information or documents that must be supplied by the applicant to complete the application process.

(b) Except as provided in 61-3-342, the department may not complete the application process, remove the incomplete status notation on the electronic record of title, or issue a certificate of title until the applicant returns the completed application, including any supporting additional information or documents, to the department."

Section 58. Section 61-3-218, MCA, is amended to read:

"61-3-218. Certificate of title -- issuance -- delivery. (1) Except as provided in subsection (2), if a person who applied for a certificate of title also requested the issuance of the certificate of title as provided in 61-3-216 (2)(f)(i), upon receipt of the application and all supporting documents and after an examination and determination that the application is complete and regular, the department shall issue a certificate of title of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and shall mail the certificate of title to the owner.

(2) If a person to whom a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred has not satisfied the titling and registration provisions of this chapter or, if applicable, the registration provisions of Title 23, chapter 2, part 5 or 6, within the 20-day period

provided in 61-3-220(3) and the secured party or lienholder pays the title fee required in 61-3-203, the department may mail a certificate of title to the secured party or lienholder upon request of the secured party or lienholder.

(3) (a) A motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner who requested the delayed issuance of a certificate of title under 61-3-216(2)(f)(ii), in the initial application for a certificate of title, may submit a request for the issuance of the certificate of title to the department, its authorized agent, or a county treasurer in a manner prescribed by the department. Upon receipt, the department shall issue a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and mail the certificate of title to the owner.

(b) A title fee may not be demanded from the owner or collected by the department, its authorized agent, or a county treasurer for a certificate of title requested or issued under subsection (3)(a)."

Section 59. Section 61-3-219, MCA, is amended to read:

"61-3-219. Refusal to issue certificate of title. The department may refuse to issue a certificate of title if any required fee is not paid or if the department has reasonable grounds to believe that:

(1) the applicant is not the owner of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(2) the application contains a false or fraudulent statement;

(3) the applicant failed to furnish any information or document required by the department; or

(4) based on the check performed under 61-3-217(2), the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been reported as stolen."

Section 60. Section 61-3-220, MCA, is amended to read:

"61-3-220. Certificate of title -- voluntary transfer -- timeliness -- penalty. (1) Upon the voluntary transfer of any interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title was issued under the provisions of this chapter, the owner whose interest is to be transferred shall:

(a) authorize, in writing and on a form prescribed by the department, its authorized agent, or a county treasurer, to enter the transfer of the owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to the transferee on the electronic record of title maintained under 61-3-101; or

(b) execute a transfer in the appropriate space provided on the certificate of title issued to the owner and deliver the assigned certificate of title to:

(i) the transferee at the time of delivery of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile; or

(ii) the department, its authorized agent, or a county treasurer if an application for a certificate of title has been completed by the transferee and accompanies the assigned certificate of title.

(2) The transferor's signature on the certificate of title~~,~~ or the form authorizing transfer of interest upon the electronic record of title~~,~~ must be acknowledged before the county treasurer, a deputy county treasurer, an elected official authorized to acknowledge signatures, an employee or authorized agent of the department, or a notary public.

(3) Except as provided in sections 23-2-513, 23-2-619, 23-2-818, or 61-4-111, the person to whom an interest in a motor vehicle has been transferred shall:

(a) execute an application for a certificate of title in the space provided on the assigned certificate of title or as prescribed by the department; and

(b) within 20 days after the interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred to the person, mail or deliver the assigned certificate of title or application to the county treasurer of the person's county of residence or, as permitted by the department, its authorized agent.

(4) If the person to whom an interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been transferred fails to submit the application for a certificate of title to the department's authorized agent or a county treasurer within the 20-day grace period described in subsection (3), a late penalty of $10 must be imposed against the transferee. The penalty must be paid by the transferee to the county treasurer when the application for a certificate of title is finally submitted by the transferee or before the transferee may register the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in this state. The penalty is in addition to the fees otherwise provided by law.

(5) If the transferee does not apply for a certificate of title within the 20-day grace period, a secured party or lienholder of record may pay the fees for the transfer of title and for filing a voluntary security interest or lien. The secured party or lienholder is not liable for the late penalty imposed in subsection (4) or for registration fees, taxes, or fees in lieu of tax on the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile."

Section 61. Section 61-3-221, MCA, is amended to read:

"61-3-221. Involuntary transfer. (1) (a) An involuntary transfer of title to or any interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile may occur by

operation of law through inheritance, devise, bequest, order in bankruptcy or insolvency, execution sale, or repossession upon default in the performance of the terms of a lease, executory sales contract, or security agreement or in any other manner other than by voluntary act of the person whose title or interest is transferred. Upon the involuntary transfer, the executor, administrator, receiver, trustee, sheriff, secured party, or other representative or successor in interest of the person whose interest is transferred shall send to the department:

(i) an application for a certificate of title; and

(ii) a verified or certified statement of the transfer of interest or a transfer statement, as defined in 30-9A-619.

(b) The statement of transfer of interest must state the reason for the involuntary transfer, the interest transferred, the name of the person to whom the interest is to be transferred, the process or procedure creating the transfer, and other information requested by the department. A transfer statement submitted under this section must meet the requirements of 30-9A-619. Evidence and instruments that are required by law in order to effect a transfer of legal or equitable title to or an interest in chattels must be submitted with the statement.

(c) Except as provided in subsection (2), if the department determines that the transfer is regular and that all legal requirements have been complied with, the department shall send notice of the intended transfer to the owner, conditional sales vendor, lessor, mortgagee, and other lienholder, as shown in the department's records. Deposit in the U.S. mail of the notice, postage prepaid, addressed to the person at the respective address shown in the department's records satisfies the notice required by this section. Not less than 5 days after sending the notice, the department shall issue a new certificate of title to the transferee.

(2) (a) Except as provided in subsection (2)(b), if an interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is not registered in this state is involuntarily transferred to a person in this state, the person to whom the interest is transferred shall follow the procedure provided in subsection (1).

(b) In lieu of the statement required in subsection (1), the department may accept an affidavit of repossession as executed by the person seeking the involuntary transfer.

(3) The department is not required to send notice for a transfer of interest occurring under subsection (2)."

Section 62. Section 61-3-222, MCA, is amended to read:

"61-3-222. Surviving spouse or heir -- small estates. (1) Subject to the limitations of Title 72, chapter 3, part 11, the surviving spouse or other heir may secure transfer of a decedent's ownership interests in one or more motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles for which a certificate of title was issued under this chapter if:

(a) the combined value of the interests does not exceed $20,000;

(b) the decedent did not leave other property that requires the procuring of letters of administration or letters

testamentary; and

(c) the decedent did not by execution of a will otherwise bequeath the property.

(2) The person seeking transfer of the decedent's interests under this section shall file an affidavit with the department setting forth the fact of survivorship, the name and address of any other heirs, and any other facts determined necessary to entitle the person to the transfer.

(3) If the department determines that the transfer is regular and that all legal requirements have been met, the department shall issue a certificate of title, subject to any security interests shown by the department's records, to the surviving spouse or other heir."

Section 63. Section 61-3-223, MCA, is amended to read:

"61-3-223. Salvage vehicles. (1) A salvage vehicle for which a certificate of title is sought must be inspected for the vehicle identification number to authenticate the identity of the motor vehicle before an electronic record of title can be created or a certificate of title can be issued. The inspection does not attest to the roadworthiness or safety condition of the motor vehicle and must be performed by an authorized employee or an authorized agent of the department or by a peace officer designated by the department.

(2) The department may contract with a person or entity for use of a facility as a regional inspection site for salvage vehicles.

(3) The department shall collect an inspection fee of $18.50 from the person requesting the inspection for each salvage vehicle inspected. The fees collected under this section must be distributed as follows:

(a) $5 must be deposited in the state general fund; and

(b) $13.50 must be deposited in an account in the state special revenue fund to be appropriated only for the inspection of salvage vehicles.

(4) (a) A person authorized to inspect salvage vehicles may seize and hold a vehicle:

(i) if the person has probable cause to believe that the motor vehicle has been stolen;

(ii) on which a motor number or vehicle identification number has been defaced, altered, removed, covered, destroyed, or obliterated; or

(iii) that has a vehicle identification number that does not conform with the vehicle identification number on the certificate of title.

(b) A seized motor vehicle must be held until the identity of the motor vehicle is established and arrangements are made for its lawful disposition. A person authorized to inspect salvage vehicles may use any means necessary to identify a motor vehicle by its vehicle identification number or numbers.

(5) The department may not create an electronic record of title or issue a certificate of title for a salvage vehicle until the identity of the motor vehicle is established.

(6) The department may adopt rules for the inspection of salvage vehicles."

Section 64. Section 61-3-224, MCA, is amended to read:

"61-3-224. Temporary registration permit. (1) A county treasurer or a law enforcement officer may issue a temporary registration permit under the provisions of 61-3-317. A county treasurer may also issue a temporary registration permit under the provisions of 61-3-342.

(2) An employee or agent of the department may issue a temporary registration permit only under express authorization from the department and in accordance with the provisions of this chapter.

(3) A dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or under Title 61, chapter 4, part 1, may issue a temporary registration permit only as authorized under 23-2-513, 23-2-619, 23-2-818, 61-4-111, or 61-4-112.

(4) A temporary registration permit issued under subsections (1) through (3) must contain the following information:

(a) a temporary registration permit control number, registration receipt number, or transaction record number, as prescribed by the department;

(b) the expiration date of the temporary registration permit; and

(c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification number, the name and address of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name and residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of transfer."

Section 65. Section 61-3-301, MCA, is amended to read:

"61-3-301. Registration -- license plate required -- display. (1) Except as otherwise provided in this chapter, a person may not operate a motor vehicle, trailer, semitrailer, or pole trailer upon the public highways of Montana unless the motor vehicle, trailer, semitrailer, or pole trailer is properly registered and has the proper number plates conspicuously displayed, one on the front and one on the rear of the motor vehicle, trailer, semitrailer, or pole trailer, each securely fastened to prevent it from swinging and unobstructed from plain view, except that motor vehicles, trailers, semitrailers, or pole trailers authorized to display demonstrator plates under 61-4-125 or 61-4-129 may have only one number plate conspicuously displayed on the rear. A person may not display on a motor vehicle, trailer, semitrailer, or pole trailer at the same time a number assigned to it under any motor vehicle law except as provided in this chapter. A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven or towed to an auto wrecking graveyard for disposal is exempt from the provisions of this section.

(2) A person may not purchase or display on a motor vehicle, trailer, semitrailer, or pole trailer a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county of the person's permanent residence at the time of application for registration. However, the owner of a motor vehicle, trailer, semitrailer, or pole trailer requiring a license plate on a motor vehicle, trailer, semitrailer, or pole trailer used in the public transportation of persons or property may make application for the license in any county through which the motor vehicle, trailer, semitrailer, or pole trailer passes in its regularly scheduled route, and the license plate issued bearing the number assigned to that county may be displayed on the motor vehicle, trailer, semitrailer, or pole trailer in any other county of the state.

(3) It is unlawful to:

(a) display license plates issued to one motor vehicle, trailer, semitrailer, or pole trailer on any other motor vehicle, trailer, ~~or~~ semitrailer, or pole trailer unless legally transferred as provided by statute;

(b) repaint old license plates to resemble current license plates; or

(c) display a prior design of number plates issued under 61-3-332(4)(a) or special license plates issued under 61-3-332(10) or 61-3-421 more than 18 months after a new design of number plates or special license plates has been issued, except as provided in 61-3-332(4)(c) and (4)(d), 61-3-448, or 61-3-468.

(4) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer exempt from taxation under 15-6-215 or subject to the registration fee ~~or fee in lieu of tax under~~ as provided in 61-3-520.

(5) A person violating these provisions is guilty of a misdemeanor and is subject to the penalty prescribed in 61-3-601.

(6) For the purposes of this section, "conspicuously displayed" means that the required license plates are obviously visible and firmly attached to:

(a) the front and the rear bumper of a motor vehicle, trailer, semitrailer, or pole trailer equipped with front and rear bumpers; or

(b) other clearly visible locations on the front and the rear exteriors of a motor vehicle, trailer, semitrailer, or pole trailer."

Section 66. Section 61-3-302, MCA, is amended to read:

"61-3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden. ~~It shall especially be provided that a~~ A resident of the state of Montana ~~shall~~ may not operate a motor vehicle, trailer, semitrailer, or pole trailer under a license issued by any other state than Montana."

Section 67. Section 61-3-303, MCA, is amended to read:

"61-3-303. Registration -- process -- fees. (1) A Montana resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner permanently resides or, if the motor vehicle, trailer, semitrailer, or pole trailer is owned by a corporation or used primarily for commercial purposes, in the county where the motor vehicle, trailer, semitrailer, or pole trailer is permanently assigned.

(2) (a) Except as provided in subsection (3), the county treasurer shall register any motor vehicle, trailer, semitrailer, or pole trailer for which:

(i) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(b) To register a motor vehicle, trailer, semitrailer, or pole trailer, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.

(3) (a) A county treasurer shall register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which the new owner cannot present the previously issued certificate of title only as authorized by the department under 61-3-342.

(4) The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle, trailer, semitrailer, or pole trailer at the time of its registration.

(5) A person who seeks to register a motor vehicle, except a mobile home, ~~or a~~ manufactured home ~~as those terms are defined in 15-1-101(1)~~, trailer, semitrailer, or pole trailer, shall pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

(b) except as provided in 61-3-456 or unless it has been previously paid, the ~~motor vehicle~~ fees in lieu of tax or registration fees under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562 imposed against the motor vehicle, trailer, semitrailer, or pole trailer for the current year of registration and the immediately previous year; and

(c) a donation of $1 or more if the person has indicated on the application that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; and

(d) a donation of $1 or more if the person has indicated on the application that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.

(6) The county treasurer may not issue a registration receipt or license plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (5). Except as provided in ~~61-3-560 through~~ 61-3-321(2) or 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) except as provided in subsection (9), the immediately preceding year if the motor vehicle, trailer, semitrailer, or pole trailer was not registered or operated on the highways of the state, regardless of the period of time since the motor vehicle, trailer, semitrailer, or pole trailer was previously registered or operated.

(7) The department may make full and complete investigation of the registration status of the motor vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.

(8) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer~~, or semitrailer~~ that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who registered the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a ~~vehicle described in this subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership ~~of the vehicle~~ is transferred.

(b) Whenever ownership of a ~~vehicle described in subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including

paying all of the required fees in lieu of tax, taxes, and fees.

(10) Revenue that accrues from the voluntary donation provided in subsection (5)(d) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury."

Section 68. Section 61-3-311, MCA, is amended to read:

"61-3-311. Registration -- annual renewal -- time periods. (1) Registration must be renewed annually, and registration fees must be paid annually. Except as provided in 61-3-313 through 61-3-316, 61-3-318, 61-3-526, and 61-3-721, all registrations expire on December 31 of the year in which they are issued and must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year. If the ownership of a motor vehicle, trailer, semitrailer, or pole trailer is transferred during the registration year, the new owner shall apply for a certificate of title and register the motor vehicle, trailer, semitrailer, or pole trailer as provided by this chapter.

(2) The department, its authorized agent, or a county treasurer may not renew the registration of a motor vehicle, trailer, semitrailer, or pole trailer ~~whose~~ for which ownership has been transferred and that was originally registered under the provisions of 61-3-342(3) unless:

(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the motor vehicle, trailer, semitrailer, or pole trailer has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."

Section 69. Section 61-3-312, MCA, is amended to read:

"61-3-312. Renewal of registration -- exceptions -- grace period. (1) Except as provided in 61-3-311(1), 61-3-314, 61-3-321(2), 61-3-318, 61-3-526, ~~61-3-560,~~ 61-3-562, and 61-3-721, the registration of a motor vehicle, trailer, semitrailer, or pole trailer under this chapter expires on December 31 of each year and must be renewed annually upon payment of registration fees as provided in 61-3-303 and 61-3-321. The renewal takes effect on January 1 of each year. A registration receipt is valid only during the registration year for which it is issued.

(2) The owner of a motor vehicle, trailer, semitrailer, or pole trailer registered under the provisions of this section may operate the motor vehicle, trailer, semitrailer, or pole trailer between January 1 and February 15 without displaying the registration decal of the current year if, during the period, the owner displays upon the

motor vehicle, trailer, semitrailer, or pole trailer the number plates or plate assigned for the previous year."

Section 70. Section 61-3-313, MCA, is amended to read:

"61-3-313. ~~Vehicles~~ Motor vehicles subject to staggered registration. For purposes of 61-3-313 through 61-3-316, "motor vehicle" means a motor vehicle~~, as defined in 61-1-102,~~ that is subject to annual registration in this state except:

(1) motor vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;

(2) mobile homes and motor homes;

(3) motor vehicles that are registered in accordance with or subject to 61-3-411 or 61-3-458(3)(b);

(4) trucks exceeding a 1-ton rated capacity;

(5) trailers, semitrailers, pole trailers, tractors, and buses;

(6) special mobile equipment, ~~as defined in 61-1-104~~ a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader;

(7) motor vehicles registered as part of a fleet under 61-3-318; and

(8) apportionable motor vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733."

Section 71. Section 61-3-314, MCA, is amended to read:

"61-3-314. Registration period. (1) Except as provided in 61-3-315, each motor vehicle subject to the provisions of 61-3-313 through 61-3-316 must be registered for a 12-month period based upon the date it is first registered in this state pursuant to 61-3-313 through 61-3-316.

(2) There are 12 registration periods, each of which commences on the first day of a calendar month. The periods are:

(a) January 1 through January 31 &# 160; □ 0; &# 160; 0; &# 160; < /span>1st period

(b) February 1 through February 28/29 □ 0; &# 160; □ 0; &# 160; 2nd period

(c) March 1 through March 31 &# 160; □ 0; &# 160; 0; &# 160; 3rd period

(d) April 1 through April 30 &# 160; □ 0; &# 160; □ 0; &# 160; 4th period

(e) May 1 through May 31 &# 160; □ 0; &# 160; □ 0; &#

160; 5th period

(f) June 1 through June 30 &# 160; □ 0; &# 160; □ 0; &# 160; 6th period

(g) July 1 through July 31 &# 160; □ 0; &# 160; □ 0; &# 160; 7th period

(h) August 1 through August 31 &# 160; □ 0; &# 160; □ 0; &# 160; 8th period

(i) September 1 through September 30 &# 160; □ 0; &# 160; □ 0; &# 160; 9th period

(j) October 1 through October 31 &# 160; □ 0; &# 160; □ 0; &# 160; 10th period

(k) November 1 through November 30 &# 160; □ 0; &# 160; □ 0; &# 160; 11th period

(l) December 1 through December 31 &# 160; □ 0; &# 160; □ 0; &# 160; 12th period"

Section 72. Section 61-3-315, MCA, is amended to read:

"61-3-315. Reregistration on anniversary date -- department to make rules -- early reregistration. (1) A motor vehicle that has been registered for any of the periods designated in 61-3-314 must be reregistered for the same period on or before the anniversary date of the initial registration unless that period is changed as provided in subsections (2) and (4). The anniversary date for reregistration is the last day of the month for the designated registration period.

(2) (a) The owner of a motor vehicle subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in ~~61-3-560 and 61-3-561~~ 61-3-321(2), may register the motor vehicle for a period not to exceed 24 months. The registration expires on the last day of the 24th month commencing from the date of the designated registration period under 61-3-314 for which the motor vehicle is registered.

(b) The owner of a motor vehicle 11 years old or older subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in ~~61-3-560 and 61-3-561~~ 61-3-321(2), may permanently register the motor vehicle as provided in 61-3-562. The registration remains in effect until ownership of the motor vehicle is transferred to another person by the registered owner.

(3) The department shall adopt rules for the implementation and administration of 61-3-313 through 61-3-316 and for the identification of the registration on the motor vehicles. The rules adopted by the department pursuant to this section must also allow early reregistration of motor vehicles that are subject to the provisions of

61-3-313 through 61-3-316 and subject to the registration fee, as provided in ~~61-3-560 and 61-3-561~~ 61-3-321 (2), when an owner of a motor vehicle presents extenuating circumstances.

(4) The department shall provide for simultaneous registration of multiple motor vehicles that have common ownership. The rules must provide for a change of the registration period to coincide with the date an owner desires to register the motor vehicles."

Section 73. Section 61-3-316, MCA, is amended to read:

"61-3-316. New registrations under staggered registration. A motor vehicle that is registered for the first time in this state must be assigned a registration period corresponding to when the motor vehicle is first registered in this state. Except as provided in 61-3-315, the registration period for a motor vehicle must remain the same from year to year."

Section 74. Section 61-3-317, MCA, is amended to read:

"61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty -- display of proof of purchase. (1) Except as otherwise provided in this section, the new owner of a transferred motor vehicle, trailer, semitrailer, or pole trailer has a grace period of 20 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by part 5 of this chapter, and local option taxes, if applicable, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the motor vehicle, trailer, semitrailer, or pole trailer were being registered for the first time in that registration year.

(2) The new owner of a motor vehicle, trailer, semitrailer, or pole trailer described in 61-3-303(9) shall make application and pay the registration fees, fees in lieu of tax, and other fees required by part 5 of this chapter and local option taxes, if applicable, whether or not the fees and taxes have been paid previously.

(3) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state without a current registration receipt or registration decal during the 20-day period if at all times during that period, a temporary registration permit, obtained from the county treasurer or a law enforcement officer as authorized by the department, is clearly displayed in the rear window of the motor vehicle or, if a durable placard has been issued for the motor vehicle, trailer, semitrailer, or pole trailer, the placard is attached to the rear of the motor vehicle, trailer, semitrailer, or pole trailer.

(4) Registration fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section.

(5) Failure to make application for a certificate of title within the time provided in this section subjects the purchaser to a penalty of $10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. The penalty must be deposited in the state general fund."

Section 75. Section 61-3-318, MCA, is amended to read:

"61-3-318. Fleet registration period. (1) (a) Notwithstanding any other provisions of this title regarding the registration of motor vehicles, a person owning or leasing a fleet may register its ~~motor vehicles~~ fleet for a 6-month period, commencing from the date of original registration.

(b) A motor vehicle remaining in the fleet at the end of a 6-month period must be reregistered for a minimum of 12 months.

(2) As used in this section, "fleet" means more than 25 automobiles or trucks having a rated capacity of three-quarters of a ton or less that are rented or offered for rental without drivers and that are designated by a rental owner as a rental fleet."

Section 76. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, snowmobiles, watercraft, trailers, ~~and~~ semitrailers, and pole trailers ~~in accordance with this chapter,~~ as ~~follows~~ provided in subsections (2) through (18):

(2) (a) Except as provided in subsection (2)(b), there is a registration fee imposed on light vehicles. The registration fee is in addition to other annual registration fees.

(b) The following vehicles are exempt from the registration fee imposed in this subsection (2):

(i) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520;

(ii) a light vehicle owned by a person eligible for a waiver of registration fees under 61-3-460;

(iii) a light vehicle registered under 61-3-456.

(c) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the 24-month period.

~~(a)~~(d) The annual registration fee for light vehicles ~~under 2,850 pounds~~, ~~$13.75 in calendar year 2004 and, in each subsequent year, $17;~~ trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(i) if the vehicle is 4 or less years old, $217;

(ii) if the vehicle is 5 through 10 years old, $87; and

(iii) if the vehicle is 11 or more years old, $28;

(e) The owner of a light vehicle 11 years old or older may permanently register the light vehicle as provided in 61-3-562.

~~(b)~~(3) (a) Except as provided in subsection (3)(c), the owner of a trailer, semitrailer, or pole trailer that has a declared weight of less than 6,000 pounds shall pay a one-time fee of $61.25.

(b) The owner of a trailer, semitrailer, or pole trailer with a declared weight of 6,000 pounds or more shall pay a one-time fee of $148.25.

(c) Except as provided in subsection (17), whenever a transfer of ownership of a trailer, semitrailer, or pole trailer described in subsection (3)(a) or (3)(b) occurs, the one-time fee required under subsection (3)(a) or (3)(b) must be paid by the new owner. ~~trailers with a declared weight of less than 2,500 pounds and semitrailers, $8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(c)~~(4) The annual registration fee for motor vehicles ~~registered~~ owned and operated solely as collector's items pursuant to 61-3-411 that are for motor vehicles:

~~(i)~~(a) 2,850 pounds and over, $10; and

~~(ii)~~(b) under 2,850 pounds, $5~~;~~.

~~(d)~~(5) (a) The registration fee for off-highway vehicles ~~registered pursuant to 23-2-817, $9 in calendar year 2004 and, in each subsequent year, $10.25~~ is $61.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle. Except as provided in subsection (17), whenever a transfer of ownership of an off-highway vehicle occurs, the one-time fee required under this subsection must be paid by the new owner.

(b) The application for registration for an off-highway vehicle must be made to the county treasurer of the county in which the owner resides, on a form furnished by the department for that purpose. The application must contain:

(i) the name and home mailing address of the owner;

(ii) the certificate of title number;

(iii) the name of the manufacturer of the off-highway vehicle;

(iv) the model number or name;

(v) the year of manufacture;

(vi) a statement evidencing payment of the fee in lieu of property tax; and

(vii) other information that the department may require.

(c) If the off-highway vehicle was previously registered, the application must be accompanied by the

registration certificate for the most recent year in which it was registered. Upon payment of the registration fee, the county treasurer shall sign the application and issue a registration receipt containing the information considered necessary by the department. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

~~(e)~~(6) The annual registration fee for ~~light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and~~ heavy trucks, buses, and logging trucks in excess of 1 ton~~, $18.75 in calendar year 2004 and, in each subsequent year, $22~~ is $22.75~~;~~.

~~(f) logging trucks less than 1 ton, $23.75;~~

~~(g)~~(7) (a) ~~motor homes, $22.25;~~ The owner of a motor home shall pay an annual fee based on the age of the motor home according to the following schedule:

(i) less than 2 years old, $282.50;

(ii) 2 years old and less than 5 years old, $224.25;

(iii) 5 years old and less than 8 years old, $132.50; and

(iv) 8 years old and older, $97.50.

(b) (i) Except as provided in subsection (7)(b)(ii), the age of a motor home is determined by subtracting the manufacturer's designated model year from the current calendar year.

(ii) If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

~~(h)~~(8) (a) The registration fee for motorcycles and quadricycles~~, $0.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $0.75 in calendar year 2004 and, in each subsequent year, $11.25~~ registered for use on public highways is $53.25, and the registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is $114.50. ~~This fee is~~

(b) An additional fee of $5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, an additional fee of $16 must be collected for the registration of each motorcycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(c) The registration fees in this subsection (8) are a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

~~(i) trailers and semitrailers between 2,500 and 6,000 pounds, $11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other~~

~~jurisdictions and registered through a proportional registration agreement, $16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(k)~~(9) (a) The registration fee for travel trailers under 16 feet in length~~, $11.75~~ is $72 and the registration fee for travel trailers 16 feet in length or longer is $152. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(b) Except as provided in subsection (17), whenever a transfer of ownership of a travel trailer occurs, the one-time fee required under subsection (9)(a) must be paid by the new owner.

~~(l) recreational vehicles, $3.50 in calendar year 2004 and, in each subsequent year, $9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.~~

(10) (a) The owner of each motorboat, sailboat, personal watercraft, or motorized pontoon requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, personal watercraft, or motorized pontoon is owned, on forms prepared and furnished by the department. The application must be signed by the owner of the motorboat, sailboat, personal watercraft, or motorized pontoon and be accompanied by the appropriate registration fee. The owner of a motorboat, a sailboat, personal watercraft, or a motorized pontoon shall pay a one-time fee as follows:

(i) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, $65.50;

(ii) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, $125.50; and

(iii) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, $295.50.

(b) This fee is a one-time fee, except upon transfer of ownership of the motorboat, sailboat, personal watercraft, or motorized pontoon.

(11) (a) Except as provided in subsection (11)(b), the one-time registration fee for a snowmobile is $60.50.

(b) If a snowmobile is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers, the business is assessed:

(i) a fee of $40.50 in the first year of registration; and

(ii) if the business reregisters the snowmobile for a second year, a fee of $20. If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the fee in lieu of tax imposed in subsection (11)(a).

(c) Except as provided in subsection (17), whenever a transfer of ownership of a snowmobile occurs, the applicable fee required under this subsection (11) must be paid by the new owner.

~~(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.~~

~~(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.~~

~~(3) An additional fee of $5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $5 in calendar year 2004 and, in each subsequent year, $16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.~~

~~(4)~~(12) A fee of $5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.

~~(5)~~(13) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

~~(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.~~

~~(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.~~

~~(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.~~

~~(b) The following vehicles are not subject to the fee:~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;~~

~~(ii) off-highway vehicles registered pursuant to 23-2-817; and~~

~~(iii) vehicles bearing license plates described in 61-3-458(3)(d).~~

~~(8)~~(14) ~~The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.~~

When the license plates for a registered motor vehicle are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335, the owner of the motor vehicle shall pay a registration fee as follows:

(a) heavy trucks, buses, and logging trucks in excess of 1 ton, 75 cents;

(b) light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton:

(i) if the vehicle is 4 years old or less, $195.75;

(ii) if the vehicle is 5 years old through 10 years old, $65.75; and

(iii) if the vehicle is 11 years old or older, $6.75;

(c) motor homes:

(i) less than 2 years old, $250.50;

(ii) 2 years old and less than 5 years old, $192.25;

(iii) 5 years old and less than 8 years old, $100.50; and

(iv) 8 years old and older, $65.50;

(d) motorcycles and quadricyles registered for use on the public highways, $42, and motorcycles and quadricycles registered for both off-road use and for use on the public highways, $103.25. This fee is a one-time fee, except upon transfer of ownership.

(e) travel trailers under 16 feet in length, $50.50, and travel trailers 16 feet in length or longer, $130.50. This fee is a one-time fee, except upon transfer of ownership.

(f) trailers, semitrailers, or pole trailers with a declared weight of less than 6,000 pounds, $52. This fee is a one-time fee, except upon transfer of ownership.

(g) trailers, semitrailers, or pole trailers with a declared weight of 6,000 pounds or more, $139. This fee is a one-time fee, except upon transfer of ownership.

~~(9)~~(15) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(10)~~(16) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(17) The fees imposed by subsections (2) through (11) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

~~(11)~~(18) (a) Unless a person exercises the option in subsection ~~(11)(b)~~ (18(b), an additional fee of $4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state ~~general~~ special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities ~~as provided in 15-1-122(3)(c)(vii)~~. Of the $4 fee, the department shall use $3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional $4 fee provided for in subsection ~~(11)(a)~~ (18)(a). If a written election is made, the fee may not be collected.

(19) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

Section 77. Section 61-3-322, MCA, is amended to read:

"61-3-322. Registration receipts -- issuance. (1) Upon completion of the registration process, the county treasurer shall issue a registration receipt to the owner of the motor vehicle, trailer, semitrailer, or pole trailer.

(2) The registration receipt must contain the name and address of the owner of the motor vehicle, trailer, semitrailer, or pole trailer ~~owner~~, the license plate number assigned to the motor vehicle, trailer, semitrailer, or pole trailer, sufficient information to identify the registered motor vehicle, trailer, semitrailer, or pole trailer and determine its registration date and period of registration, and any additional information required by rule.

(3) The registration receipt must at all times be carried in the motor vehicle, trailer, semitrailer, or pole trailer to which it refers or must be carried by the person driving or in control of the motor vehicle, trailer, semitrailer, or pole trailer, who shall display it upon demand of a peace officer or any officer or employee of the department or the department of transportation."

Section 78. Section 61-3-323, MCA, is amended to read:

"61-3-323. Definitions. As used in 61-3-323 through 61-3-325, unless the context requires otherwise, the following definitions apply:

(1) "Domicile" means the county in which a motor vehicle is most frequently used, dispatched, or controlled.

(2) "Fleet" means 100 or more motor vehicles, trailers, semitrailers, or pole trailers owned or leased by a person operating the motor vehicles, trailers, semitrailers, or pole trailers in this state."

Section 79. Section 61-3-324, MCA, is amended to read:

"61-3-324. Fleet registration -- application -- additions to and deletions from fleet. (1) A person owning or leasing a fleet may apply to the department of transportation to register the fleet annually through the department of transportation in lieu of registering each motor vehicle, trailer, semitrailer, or pole trailer in its domicile.

(2) The application for fleet registration must:

(a) be submitted to the department of transportation prior to November 1 of each year;

(b) include a list of the motor vehicles, trailers, semitrailers, or pole trailers in the fleet;

(c) include the current registration receipt for each motor vehicle, trailer, semitrailer, or pole trailer; and

(d) include any other relevant information required by the department of transportation.

(3) A motor vehicle, trailer, semitrailer, or pole trailer may be added to the fleet.

(4) A motor vehicle, trailer, semitrailer, or pole trailer may be removed from a fleet if the owner of the fleet surrenders to the department of transportation the current registration receipt and the license plate for the motor vehicle, trailer, semitrailer, or pole trailer no later than December 31. If the receipt or license plate has been lost or stolen, the owner shall submit an affidavit explaining why ~~he~~ the owner is not able to surrender the receipt or license plate."

Section 80. Section 61-3-325, MCA, is amended to read:

"61-3-325. Vehicles subject to staggered registration -- fees and taxes -- disposition. (1) Any motor vehicle, trailer, semitrailer, or pole trailer in the fleet that is subject to staggered registration under 61-3-313 through 61-3-316 may be registered as part of the fleet on the following fleet renewal date. The department of transportation shall collect the remaining fees and taxes due for the registration year after crediting the registrant for the period that was previously paid.

(2) (a) The department of transportation shall compute fees and taxes due on each motor vehicle, trailer, semitrailer, or pole trailer in the fleet as provided in part 5 of this chapter, based on its domicile.

(b) The department of transportation shall also collect a registration fee of $7.50 for each motor vehicle, trailer, semitrailer, or pole trailer in the fleet in lieu of the registration fee provided for in 61-3-321. The department shall retain $4.50 of each registration fee for administrative costs and forward the remaining $3 to the state treasurer for deposit in the general fund.

(c) All fees and taxes must be paid no later than February 15 each year."

Section 81. Section 61-3-331, MCA, is amended to read:

"61-3-331. Assignment of number plates. The county treasurer shall, at the time of issuing a registration receipt under 61-3-322, assign ~~such~~ the motor vehicle, trailer, semitrailer, or pole trailer a distinctive number, ~~viz.,~~ which is the license plate number, and deliver to the applicant two license plates, as received from the department, which ~~shall~~ must bear ~~such~~ the distinctive numbers. The department shall ship ~~said~~ license plates to ~~the various county treasurers by freight,~~ each county treasurer so that they will be received by the county treasurer on or before January 1 of each year."

Section 82. Section 61-3-332, MCA, is amended to read:

"61-3-332. Number plates. (1) A motor vehicle, trailer, semitrailer, or pole trailer that is driven or operated upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.

(2) In addition to special license plates, collegiate license plates, and generic specialty license plates authorized under this chapter, a separate series of number plates must be issued, in the manner specified, for each of the following vehicle or dealer types:

(a) passenger vehicles, including automobiles, vans, and sport utility vehicles;

(b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";

(c) trucks, bearing the letter "T" or the word "TRUCK";

(d) trailers, bearing the letters "TR" or the word "TRAILER";

(e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";

(f) dealers of used motor vehicles only, including trucks, ~~and~~ trailers, semitrailers, and pole trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";

(g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word "DEALER";

(h) dealers of trailers, ~~or~~ semitrailers, or pole trailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER"; and

(i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER".

(3) (a) Except as provided in 61-3-479 and subsections (3)(b), (4)(c), and (4)(d) of this section, all number plates for motor vehicles, trailers, semitrailers, or pole trailers must be issued for a minimum period of 4 years, bear a distinctive marking, and be furnished by the department. In years when number plates are not issued, the department shall provide a registration decal that must be affixed to the rear license plate of the vehicle.

(b) For light vehicles that are permanently registered as provided in ~~61-3-527 or~~ 61-3-315 and 61-3-562 and motor vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear license plate of the permanently registered motor vehicle.

(4) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and ~~it~~ shall manufacture the newly designed number plates for issuance after December 31, 2005, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles, as described in subsection (2), before that date.

(b) Beginning January 1, 2006, the department shall manufacture and issue new number plates after the existing plates have been used for a minimum period of 4 years.

(c) A light vehicle that is registered for a 24-month period, as provided in 61-3-315 and ~~61-3-560~~ 61-3-321 (2), may display the number plate and plate design in effect at the time of registration for the entire 24-month registration period.

(d) A light vehicle described in subsection (3)(b) that is permanently registered may display the number plate and plate design in effect at the time of registration for the entire period that the light vehicle is permanently registered.

(5) For passenger motor vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive border on the license plates~~,~~ and the word "Montana" must be placed on each plate. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(6) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special license plates, collegiate license plates, and generic specialty license plates, the distinctive registration number or letter-number combination assigned to the motor vehicle, as described in subsection (2), must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(7) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles, trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in ~~61-3-560(2)(a)~~ 61-3-321, in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each of the counties in the state and

those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(8) Number plates issued to a passenger motor vehicle, truck, trailer, semitrailer, pole trailer, motorcycle, or quadricycle may be transferred only to a replacement passenger motor vehicle, truck, trailer, semitrailer, pole trailer, motorcycle, or quadricycle. A registration fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they are formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection (6), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer, semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer, semitrailer, or pole trailer.

(11) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability. If the motor vehicle to which the license plate is attached is permanently registered, the owner of the motor vehicle shall maintain evidence of continued eligibility to use the license plate, which must be attached to the registration document in the motor vehicle.

(12) The provisions of this section do not apply to a motor vehicle, trailer, ~~or~~ semitrailer, or pole trailer that is

registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

Section 83. Section 61-3-333, MCA, is amended to read:

"61-3-333. Replacing number plates. If loss, mutilation, or destruction of number plates or a motor vehicle's, trailer's, semitrailer's, or pole trailer's registration decal occurs, the owner of the registered motor vehicle, trailer, semitrailer, or pole trailer may obtain from the department replacements of the number plates or a duplicate registration decal upon filing a sworn declaration stating that fact and payment of a fee of $5. If loss, mutilation, or destruction of pioneer plates occurs, duplicates may be obtained in the same manner upon payment of a fee of $5."

Section 84. Section 61-3-334, MCA, is amended to read:

"61-3-334. Expiration of registration on transfer of ownership of motor vehicle -- duty to remove plates. Upon the transfer of ownership of a motor vehicle, trailer, semitrailer, or pole trailer, the registration of the motor vehicle, trailer, semitrailer, or pole trailer ~~shall expire~~ expires and it ~~shall be~~ is the duty of the transferor immediately to remove the license plates from the motor vehicle, trailer, semitrailer, or pole trailer."

Section 85. Section 61-3-335, MCA, is amended to read:

"61-3-335. Transfer of license plates to another motor vehicle. (1) ~~Should~~ If the transferor ~~make application~~ applies for the registration of another motor vehicle, trailer, semitrailer, or pole trailer at any time during the remainder of the current registration year as shown on the original certificate of registration, ~~he~~ the transferor may file an application in the office of the county treasurer where the motor vehicle, trailer, semitrailer, or pole trailer is registered, upon a form to be prepared and furnished by the department, accompanied by the original certificate of registration, for the transfer of the license plates. The application for transfer of the license plates from the motor vehicle, trailer, semitrailer, or pole trailer for which the license plates were originally issued to a motor vehicle, trailer, semitrailer, or pole trailer acquired by the same person in whose name the original license plates were issued ~~shall~~ must be made within 20 days from the date of acquiring the motor vehicle, trailer, semitrailer, or pole trailer. The use of the license plates ~~shall~~ may not be legalized until proper transfer of the license plates has been made.

(2) License plates may be transferred pursuant to this section without transferring ownership of the first motor vehicle, trailer, semitrailer, or pole trailer.

(3) Upon transfer of the license plates, the registration of the motor vehicle, trailer, semitrailer, or pole trailer from which the license plates were transferred expires. The certificate of registration for ~~such~~ that motor vehicle,

trailer, semitrailer, or pole trailer must be surrendered to the county treasurer with the application for transfer."

Section 86. Section 61-3-342, MCA, is amended to read:

"61-3-342. Temporary registration permit -- validity -- expiration. (1) Any purchaser of a motor vehicle, trailer, semitrailer, or pole trailer who is unable to fully complete the process of applying for a certificate of title because the previously issued certificate of title is lost, in the possession of third parties, in the process of reissuance in this state or elsewhere, or subject to a disputed, preexisting security interest may, upon making affidavit to that effect upon a form prescribed by the department and upon the payment of all applicable registration fees and taxes, plus an additional fee of $2 to be collected by the county treasurer and remitted to the department, obtain a temporary registration permit from the county treasurer. The temporary registration permit, when issued by the county treasurer, is valid for 60 days from the date of issuance. The purchaser, upon displaying the temporary registration permit in the manner prescribed by the department, may operate the motor vehicle, trailer, semitrailer, or pole trailer during the period stated in the temporary registration permit without displaying the number plates or plate for the current year. The county treasurer may not sell~~,~~ and a person may not purchase~~,~~ more than one 60-day temporary registration permit for any motor vehicle, trailer, semitrailer, or pole trailer, the ownership of which has not changed since the issuance of the previous 60-day temporary registration permit.

(2) The department may authorize the county treasurer to extend the previously issued temporary registration permit for an additional 60-day period if:

(a) an unusual circumstance prevents the owner of a motor vehicle, trailer, semitrailer, or pole trailer from presenting the certificate of title within the 60-day period permitted under subsection (1);

(b) the owner requests, on a form prescribed by the department, an extension of the time for which the temporary registration permit is valid and pays a $10 fee.

(3) Upon the expiration of the second 60-day temporary registration permit, if the purchaser still cannot present the previously issued certificate of title, properly assigned to the purchaser by the prior owner, or if a dispute remains as to any preexisting, perfected security interests created by the prior owner or the owner's assignee, the department may authorize the county treasurer to register the motor vehicle, trailer, semitrailer, or pole trailer and advise the purchaser that the registration will not be renewed at the end of the registration period unless:

(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the purchaser complies with the requirements of 61-3-208."

Section 87. Section 61-3-345, MCA, is amended to read:

"61-3-345. County motor vehicle computer system. (1) The department shall maintain a statewide online computer system to be used to register and reregister motor vehicles, trailers, semitrailers, pole trailers, ~~boats~~ campers, motorboats, personal watercraft, sailboats, snowmobiles, and off-highway vehicles.

(2) The department shall establish the user advisory group to assist in the development of policies governing the registration and reregistration of motor vehicles, trailers, semitrailers, pole trailers, ~~boats~~ campers, motorboats, personal watercraft, sailboats, snowmobiles, and off-highway vehicles. The user advisory group must be appointed by the attorney general and must include:

(a) an employee of the department of administration selected by the director of the department of administration;

(b) two county treasurers, selected by the Montana county treasurers association;

(c) one county motor vehicle section supervisor, selected by the Montana county treasurers association;

(d) an employee of the department of revenue who is engaged in property assessment, selected by the director of the department of revenue;

(e) an employee of the department of justice, data processing division, selected by the division administrator;

(f) an employee of the department of justice, motor vehicle division, registrar's bureau, selected by the division administrator;

(g) an employee of the department of justice, motor vehicle division, driver services bureau, selected by the division administrator;

(h) a member of the Montana bankers' association, selected by the association director;

(i) a member of the Montana automobile dealers association, selected by the association director; and

(j) a member or employee of the Montana American automobile association, selected by the association director.

(3) Committee members who are not employees of the state of Montana shall serve a term of 2 years, and state employee members shall serve at the pleasure of the attorney general.

(4) Travel and per diem expenses for the committee must be charged to the motor vehicle division.

(5) Secretarial and support services for the committee must be provided by the motor vehicle division.

(6) The committee shall meet no more than four times a year unless specifically called by the attorney general."

Section 88. Section 61-3-401, MCA, is amended to read:

"61-3-401. Definition of personalized license plates. Personalized license plates, as used in 61-3-401

through 61-3-406, mean license plates that have displayed upon them the registration number assigned to the passenger motor vehicle for which ~~such~~ the registration number was issued in a combination of letters or numbers, or both, requested by the owner of the passenger motor vehicle."

Section 89. Section 61-3-403, MCA, is amended to read:

"61-3-403. Color and design of personalized license plates -- exception -- county designation. (1) Except as provided in 61-3-466, the personalized license plates must be the same color and design as regular passenger motor vehicle license plates and must consist of numbers or letters, or any combination ~~thereof~~ of numbers or letters, not exceeding eight positions and not less than two positions, provided that there are no conflicts with existing passenger motor vehicle, commercial motor vehicle, trailer, semitrailer, pole trailer, motorcycle, quadricycle, or special license plate series under this title.

(2) Upon the issuance of personalized license plates or upon the reregistration of any motor vehicle assigned personalized license plates that do not bear a county designation or no longer bear the correct county designation, the department shall provide nonremovable stickers bearing the appropriate county designation, which must be affixed to the license plates in use in accordance with instructions by the department."

Section 90. Section 61-3-404, MCA, is amended to read:

"61-3-404. Personalized license plates restricted to registered owner. Personalized license plates ~~shall~~ may be issued only to the registered owner of the motor vehicle upon which they are displayed."

Section 91. Section 61-3-411, MCA, is amended to read:

"61-3-411. Registration of ~~a~~ motor vehicle owned and operated solely as ~~a~~ collector's item. (1) An owner of a motor vehicle, trailer, semitrailer, or pole trailer that is more than 30 years old and that is used solely as a collector's item and not for general transportation purposes may file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must be sworn to before an officer authorized to administer oaths. The application must state:

(a) the name and address of the owner;

(b) the name and address of the person from whom purchased;

(c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer; and

(d) that the motor vehicle, trailer, semitrailer, or pole trailer is owned and operated solely as a collector's item and not for general transportation purposes.

(2) Upon receipt of the application for registration and payment of the registration fees, including fees in lieu

of tax, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-303 and, unless the applicant chooses to exercise the option allowed in 61-3-412, shall deliver to the applicant:

(a) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1933 or earlier, two license plates bearing the inscription "Pioneer--Montana" and the registration number; or

(b) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1934 or later and more than 30 years old, two license plates bearing the inscription "Vintage--Montana" and the registration number.

(3) The year of issuance may not be shown on the plates.

(4) Annual renewal of the registration of a motor vehicle, trailer, semitrailer, or pole trailer registered under this section is not required, and the registration is valid as long as the motor vehicle, trailer, semitrailer, or pole trailer is in existence and owned by the initial registrant. Upon sale of the motor vehicle, trailer, semitrailer, or pole trailer, the purchaser shall renew the registration and pay a license renewal fee of $10 for a vehicle weighing more than 2,850 pounds and $5 for a vehicle weighing 2,850 pounds or less."

Section 92. Section 61-3-412, MCA, is amended to read:

"61-3-412. Display of original Montana license plates on collector's item and general transportation collector's item motor vehicles -- definition -- validation. (1) As used in 61-3-413 and this section, "original Montana license plate" means a license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed.

(2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered as provided in 61-3-411 or 61-3-413 to display original Montana license plates, with validation as required in 61-3-413 or subsection (3) of this section, after:

(a) payment of the fee required in subsection (5);

(b) inspection by a highway patrol officer of the original Montana license plate to be displayed on the motor vehicle, trailer, semitrailer, or pole trailer and, upon payment of a $5 fee, receipt of the highway patrol officer's certification that the officer has determined that:

(i) the license plate is legible and meets the requirements of subsection (1); and

(ii) in the case of a license plate intended for use on a general transportation collector's item, the license plate is visible at night;

(c) receipt of an application by the owner of the motor vehicle, trailer, semitrailer, or pole trailer as provided for in 61-3-411 or 61-3-413; and

(d) in the case of a general transportation collector's item application, certification from the department that a duplicate license plate number does not exist among currently issued license plates.

(3) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered under the provisions of 61-3-314 meets the requirements of subsection (2) of this section, the department shall:

(a) file the application and register information on the motor vehicle, trailer, semitrailer, or pole trailer in the manner prescribed in 61-3-303; and

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

(A) "P" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(a); or

(B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(b).

(4) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the validating decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a windshield does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or pole trailer.

(5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department with the application required under this section a one-time special collector's item motor vehicle, trailer, semitrailer, or pole trailer license fee of $20."

Section 93. Section 61-3-413, MCA, is amended to read:

"61-3-413. Registration of motor vehicle as general transportation collector's item -- definition -- permanent registration required. (1) For the purposes of 61-3-412 and this section, a "general transportation collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older and that is used for general transportation purposes.

(2) An owner of a general transportation collector's item who wishes to display original Montana license plates on the motor vehicle, trailer, semitrailer, or pole trailer shall file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must state:

(a) the name and address of the owner;

(b) the year and number of the license plate the applicant wishes to use; and

(c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer.

(3) Upon receipt of an application for registration of a general transportation collector's item, the department shall compare the number of the license plate that the applicant intends to use with the license plate numbers assigned to currently registered motor vehicles, trailers, semitrailers, or pole trailers. The department may reject

an application if the number the applicant intends to use matches a number that is assigned to a currently registered motor vehicle, trailer, semitrailer, or pole trailer. If the department approves the application, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-101.

(4) Once an application is approved, appropriate fees are paid, and the requirements provided in 61-3-412 (2) are met, an owner of a general transportation collector's item shall permanently register the motor vehicle, trailer, semitrailer, or pole trailer as provided in 61-3-562 and shall display on the motor vehicle's, trailer's, semitrailer's, or pole trailer's license plate a decal indicating that the motor vehicle, trailer, semitrailer, or pole trailer has been permanently registered."

Section 94. Section 61-3-421, MCA, is amended to read:

"61-3-421. Amateur radio operators -- special license plate. A motor vehicle, trailer, or pole trailer owner and resident of this state who holds an unrevoked and unexpired official amateur radio station license and operator's license, "conditional" or higher class, issued by the federal communications commission of the United States, upon written application on a form prescribed by the department, accompanied by proof of ownership of the amateur radio station license and operator's license, must be issued lettered license plates in pairs (two identically lettered plates), in lieu of the regular license plates prescribed by law. There must be stamped or impressed upon the special license plates in clear lettering the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission, and the plates so lettered must be renewed as provided in 61-3-312."

Section 95. Section 61-3-422, MCA, is amended to read:

"61-3-422. Issuance -- application -- additional fee. The department shall issue lettered license plates as provided in 61-3-421 to amateur radio operators upon:

(1) application showing proof that the applicant is the owner and holder of an amateur radio station license and operator's license;

(2) compliance with the state ~~motor vehicle~~ laws relating to registration and licensing of motor vehicles, trailers, semitrailers, or pole trailers;

(3) payment, or proof of payment, of all other fees and taxes applicable to regular motor vehicle, trailer, semitrailer, or pole trailer license plates; and

(4) payment of a $5 additional fee."

Section 96. Section 61-3-423, MCA, is amended to read:

"61-3-423. Rules -- limit of one identical pair of plates for each operator. The department shall ~~make such~~ adopt rules ~~as may be necessary~~ to procure compliance with all the laws of the state regulating the issuance of motor vehicle, trailer, semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole trailers before issuing the lettered license plates. The department ~~shall~~ may not issue more than one identical pair of lettered license plates for any licensed amateur radio station in any one licensing period."

Section 97. Section 61-3-425, MCA, is amended to read:

"61-3-425. Special plates -- how affixed ~~to car~~ -- sale or transfer ~~of auto~~ -- revocation or expiration of radio license. The lettered license plates, as ~~herein~~ provided in 61-3-421 through 61-3-423, are in lieu of the regular license plates on the motor vehicle, trailer, semitrailer, or pole trailer owned by the amateur radio licensee for the period of time that the amateur radio license is in force under the federal communications commission and the special license issued ~~hereunder~~ under 61-3-421 through 61-3-423 is in force, but no longer. If the official amateur radio license is revoked or expires for any reason, the license plate must be removed immediately by the owner of the motor vehicle, trailer, semitrailer, or pole trailer, and it is the responsibility of the owner to ~~then~~ obtain regular license plates. If the motor vehicle, trailer, semitrailer, or pole trailer is sold or ~~otherwise~~ transferred, the owner and holder of valid official amateur radio station and operator's licenses has the right to transfer the lettered plates to another motor vehicle, trailer, semitrailer, or pole trailer owned by ~~him~~ the holder upon ~~such~~ reasonable conditions ~~as~~ that may be prescribed by the department. On the revocation or expiration of the amateur radio station and operator's licenses, the lettered license plates as issued must be returned and surrendered to the department."

Section 98. Section 61-3-431, MCA, is amended to read:

"61-3-431. Special mobile equipment -- exemption from registration and payment of fees and charges -- identification plate -- special demonstration permit -- publicly owned special mobile equipment. (1) A person, firm, partnership, or corporation ~~who~~ that owns, leases, or rents special mobile equipment, ~~as defined in 61-1-104~~ a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader and that occasionally moves that equipment on, over, or across the highways of the state is not subject to registration of that equipment or required to pay the fees and charges provided for in 61-4-301 through 61-4-308 or ~~part 2 of~~ Title 61, chapter 10, part 2. Prior to movement on the highways:

(a) each piece of equipment must display an equipment identification plate or a dealer's license plate attached to the equipment, except for ~~equipment referred to in 61-1-104(2)~~ motor vehicles or trailers designed and used to apply fertilizer to agricultural land that ~~is~~ are brought into Montana for demonstration purposes;

(b) each ~~piece of equipment referred to in 61-1-104(2)~~ motor vehicle or trailer designed and used to apply fertilizer to agricultural land that is brought into Montana for demonstration purposes must have a special demonstration permit conspicuously displayed.

(2) (a) Annual application for the identification plate must be made to the county treasurer before any piece of equipment is moved on the highways. Application must be made on a form furnished by the department, together with the payment of a fee of $5. The equipment for which a special mobile equipment plate or for which a special demonstration permit is sought is subject to the assessment of personal property taxes on the date application is made for the plate or the date determined pursuant to subsection (4). The personal property taxes assessed against the special mobile equipment, a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader must be paid before ~~a special mobile equipment~~ an identification plate may be issued. The fees collected under this section must be deposited in the state general fund, except that $25 of the special demonstration permit fee must be remitted to the department of transportation.

(b) Application must be made for a special demonstration permit as provided in subsection (1)(b). The application must be made to the county treasurer or to a weigh station before the piece of equipment is moved on Montana highways. Application for the special demonstration permit must be made on a form furnished by the department and must be accompanied by the payment of a fee of $50.

(3) The identification plate expires on December 31 of each year. If the expired identification plate is displayed, an owner of special mobile equipment, a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader registered under the provisions of this section is entitled to operate the equipment between January 1 and February 15 following expiration without displaying the identification plate or receipt of the current year.

(4) (a) The special demonstration permit expires 45 days after its issuance. Special mobile equipment, a motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or a log loader that remains in the state past the expiration of the permit is subject to the assessment of personal property taxes, starting on the first day following expiration of the permit.

(b) If the holder of a special demonstration permit leases or sells the piece of equipment during the term that is covered by the permit, the permit is no longer valid and the special mobile equipment, motor vehicle or trailer designed and used to apply fertilizer to agricultural land, or log loader is subject to the assessment of personal property taxes, starting on the first day of the lease or the date of the sale.

(5) Publicly owned special mobile equipment, motor vehicles or trailers designed and used to apply fertilizer to agricultural land, or log loaders and implements of husbandry used exclusively by an owner in the conduct of the owner's farming operations are exempt from this section."

Section 99. Section 61-3-446, MCA, is amended to read:

"61-3-446. Retention of special license plates. If during a registration year the holder of special license plates issued under 61-3-332(10) or generic specialty license plates issued as provided in 61-3-472 through 61-3-481 disposes of the motor vehicle to which the plates are affixed, the holder may retain the plates and affix them to another vehicle."

Section 100. Section 61-3-448, MCA, is amended to read:

"61-3-448. Commemorative centennial license plates -- continued use and replacement authorized. (1) A person who owns and displays commemorative centennial license plates on a motor vehicle on or before June 30, 1996, may continue to display the commemorative centennial plates on the motor vehicle after that date as long as the plates remain legible or as long as replacement plates are available from the department, whichever is later.

(2) The department shall authorize the continued display of commemorative centennial license plates after June 30, 1996, as provided for in subsection (1), and shall replace commemorative centennial license plates for persons who owned and displayed the plates on or before June 30, 1996, as long as replacement stock owned by the department on October 1, 1993, remains available and usable."

Section 101. Section 61-3-456, MCA, is amended to read:

"61-3-456. Registration of motor vehicle owned and operated by Montana resident on active military duty stationed outside Montana. (1) As an incentive for military service, an owner of a motor vehicle, trailer, semitrailer, or pole trailer who is a Montana resident who entered active military duty from Montana and who is stationed outside Montana may file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must be sworn to before an officer authorized to administer oaths. The application must state:

(a) the name and address of the owner;

(b) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer; and

(c) that the motor vehicle, trailer, semitrailer, or pole trailer is owned and operated by a Montana resident who meets the qualifications of subsection (1) and is on active military duty and stationed outside Montana.

(2) The registration fee for a motor vehicle, trailer, semitrailer, or pole trailer registered under subsection (1) is as provided in 61-3-311 and 61-3-321.

(3) A motor vehicle, trailer, semitrailer, or pole trailer registered under this section is not subject to:

(a) the taxes described in 61-3-303(5)(b);

(b) assessment under 15-8-202 or 61-3-503, the fee in lieu of tax under 61-3-529, or the registration fee under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562; or

(c) any of the fees provided in part 5 of this chapter."

Section 102. Section 61-3-458, MCA, is amended to read:

"61-3-458. Special plates for military personnel, veterans, and spouses. (1) (a) Active military personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried, may be issued special military or veteran license plates as provided in this section.

(b) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special license plates issued pursuant to this section must be numbered in sets of two with a different number on each set and must be properly displayed as provided in 61-3-301.

(2) (a) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer registration fees and special license plate fees and providing an official certificate from the applicant's unit commander verifying the individual's eligibility and authorizing the department to issue the plates to the individual, eligible military personnel may be issued one set of special military license plates as provided in this subsection (2).

(b) A member of the Montana national guard who is a state resident may be issued special license plates with a design or decal displaying the letters "NG". However, the member shall surrender the plates to the department when the member becomes ineligible.

(c) A member of the reserve armed forces of the United States who is a state resident may be issued special license plates according to the member's branch of service verified in the application with a design or decal displaying one of the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR (globe and anchor). However, the member shall surrender the plates to the department when the member becomes ineligible.

(d) An active member of the regular armed forces of the United States who is a state resident may be issued special license plates inscribed with a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the member's branch of service verified in the application. However, the member shall surrender the plates to the department upon becoming ineligible.

(3) (a) Upon application, after presenting proper identification and a department of defense form 214 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable motor

vehicle, trailer, semitrailer, or pole trailer registration fees under this chapter, subject to the provisions of 61-3-460, an eligible veteran must be issued any set and more than one set of the special license plates provided for in this subsection (3) that the member requests and is eligible to receive.

(b) A veteran may be issued special license plates displaying the letters "DV", which entitles the veteran to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part 3, if the veteran:

(i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as 50% or more disabled because of a service-connected injury; or

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability.

(c) A veteran who has been awarded the purple heart may be issued special license plates with the purple heart decal displaying the words "combat wounded".

(d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued special license plates with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(e) If the veteran was a member of the United States armed forces on December 7, 1941, and during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued special license plates designed to show that the veteran is a survivor of the Pearl Harbor attack.

(f) A person who is a member of the legion of valor may be issued special plates displaying a design or decal depicting the recognized legion of valor medallion.

(g) A veteran may be issued special license plates displaying the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the veteran's service record verified in the application.

(h) A member or a former ~~members~~ member of the Montana national guard eligible to receive a military retirement may be issued special license plates displaying the Montana national guard insignia and the words "National Guard veteran".

(4) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable vehicle registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an eligible veteran, if the spouse has not remarried, may retain the special license plates issued to the deceased veteran, except the special "DV" plates provided for under subsection (3)(b).

(5) For purposes of this section, "veteran" has the meaning provided in 10-2-101."

Section 103. Section 61-3-460, MCA, is amended to read:

"61-3-460. Vehicle registration fee and veterans' cemetery fee waivers. (1) Except as otherwise provided in this section, a person eligible under subsection (2) is exempt from the veterans' cemetery fee provided in 61-3-459 for one set of special veteran license plates and all motor vehicle registration fees imposed by this chapter for one motor vehicle that is not used for commercial purposes.

(2) The following persons are eligible for the waiver provided in subsection (1):

(a) a veteran who was a prisoner of war who presents official documentation from the U.S. department of defense verifying the veteran's status, or the veteran's surviving spouse, if the spouse has not remarried;

(b) a veteran who is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs, or the veteran's surviving spouse, if the spouse has not remarried;

(c) a veteran determined by the U.S. department of veterans affairs to be 50% or more disabled because of a service-connected injury and who has been awarded the purple heart, as verified by official documentation from the U.S. department of veterans affairs and the veteran's military service record issued by the U.S. department of defense, or the veteran's surviving spouse, if the spouse has not remarried, except that the veteran or the surviving spouse shall pay the veterans' cemetery fee as provided for in 61-3-459;

(d) the surviving spouse, if the spouse has not remarried, of a military service member killed while on active duty as verified in official documentation issued by the U.S. department of defense; and

(e) the surviving spouse, if the spouse has not remarried, of a military service member or veteran who died of a service-connected injury or disability as determined by and verified in official documentation from the U.S. department of veterans affairs."

Section 104. Section 61-3-465, MCA, is amended to read:

"61-3-465. Issuance -- application -- additional fee -- disposition. (1) The department shall issue or renew collegiate license plates upon receipt of an application that shows:

(a) compliance with 61-3-303, 61-3-311, and 61-3-312; and

(b) payment to the county treasurer of:

(i) an initial application and manufacturing fee of $5, when required; and

(ii) an annual scholarship donation of $30 for the benefit of the institution named in the application.

(2) Once each month, the county treasurer shall, as provided in 15-1-504, transfer to the ~~department of revenue~~ state the total of the amounts collected for:

(a) the initial application and manufacturing fee for deposit in the state general fund; and

(b) scholarship donations provided for in subsection (1)(b)(ii), along with a schedule showing the number of

collegiate license plates issued and the total donations received for the benefit of each institution.

(3) Once each month, ~~the department of revenue shall distribute to the student academic scholarship fund or foundation of each institution~~ an amount equal to the total donations credited to that institution and transferred to the ~~department of revenue~~ state by the county treasurers during the preceding month must be distributed to the student academic scholarship fund or foundation of each institution."

Section 105. Section 61-3-467, MCA, is amended to read:

"61-3-467. Authorization to receive and transmit donations. As provided in 61-3-465 and notwithstanding any other provisions of Title 7, Title 17, or this title:

(1) the county treasurer must receive the annual scholarship donations provided for in 61-3-465 and once each month transmit, as provided in 15-1-504, those donations to the ~~department of revenue~~ state; and

(2) the ~~department of revenue~~ appropriate agency shall accept the annual scholarship donations and once each month distribute the accumulated proceeds to the beneficiary institutions specified by and according to the totals contained in the county treasurers' reports."

Section 106. Section 61-3-468, MCA, is amended to read:

"61-3-468. Collegiate license plates -- continued use with institution's former name authorized -- replacement. (1) A person who owns and displays on the person's motor vehicle, collegiate license plates that bear the name of an institution that has been renamed by its governing body or as part of the Montana university system reorganization may continue to display on the vehicle the license plate bearing the former name of the institution as long as the plates remain legible or as long as replacement plates are available from the department, whichever is later.

(2) The department may issue or replace a collegiate license plate bearing the former name of an institution, as defined in 61-3-462, as long as replacement stock owned by the department of corrections is available."

Section 107. Section 61-3-474, MCA, is amended to read:

"61-3-474. Responsibility for design of generic specialty license plates -- numbering -- rulemaking -- approval -- registration decal -- listing of plate sponsors. (1) The department shall:

(a) design the background and general format of generic specialty license plates;

(b) in consultation with the department of corrections, determine which license plate processing system is the most efficient and versatile manufacturing method for the production of generic specialty license plates;

(c) use a numbering system for generic specialty license plates that is distinctive from the numbering system required under 61-3-332 or used for collegiate license plates;

(d) adopt rules that prescribe:

(i) the minimum and maximum number of characters that a generic specialty license plate may display;

(ii) the general placement of the sponsor's name, identifying phrase, and graphic; and

(iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

(2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license plates must be approved by the department prior to the manufacture of the plates.

(3) Upon the issuance of generic specialty license plates, the department shall provide registration decals bearing the appropriate county designation as provided in 61-3-332. The registration decal must be affixed to the license plates in use in accordance with instructions by the department.

(4) The department shall maintain a list of the sponsors that have been approved to promote the sale and issuance of generic specialty license plates, the initial distribution date for sale of each sponsored generic specialty license plate, and the donation fee established by the sponsor for each sponsored generic specialty license plate. The department shall, upon request, make copies of this list available to interested members of the public.

(5) The department may, in its discretion, revoke its previous approval of a sponsor's generic specialty license plate sponsorship if:

(a) the sponsor fails to comply with the provisions of 61-3-472 through 61-3-481;

(b) fewer than 400 sets of a sponsor's generic specialty license plate have been sold or renewed in the 12-month period immediately preceding the third anniversary of the date of initial distribution of the sponsored generic specialty license plate; or

(c) the department has reliable information that the sponsor is no longer qualified for sponsorship under 61-3-472 through 61-3-481.

(6) (a) Upon revocation of a sponsor's generic specialty license plate sponsorship status, the issuance and sale of the sponsor's generic specialty license plates must be terminated and a donation fee may not be charged or collected upon registration renewal of a motor vehicle displaying previously issued generic specialty license plates affiliated with that sponsor.

(b) A person who owns a motor vehicle displaying valid generic specialty license plates affiliated with a sponsor whose sponsorship status has been revoked may continue to display those generic specialty license plates on the person's motor vehicle if the motor vehicle's registration is properly renewed in subsequent years and the plates remain legible.

(c) Following revocation of a sponsor's sponsorship status, the department may not issue duplicates of generic specialty license plates affiliated with that sponsor that are lost, destroyed, or mutilated."

Section 108. Section 61-3-479, MCA, is amended to read:

"61-3-479. Issuance of generic specialty license plates -- qualifications. (1) (a) Except as provided in subsection (1)(b), the department shall issue a set of generic specialty license plates to a person who applies for a particular style of generic specialty license plates and pays the donation fee established by the plate sponsor and the administrative fee required in 61-3-480.

(b) If the sponsor of a generic specialty license plate is not listed on the county collection report published by the ~~department of revenue~~ state and required under 15-1-504 as of the initial distribution date for the sale of the sponsor's plates, the department shall require the sponsor to collect the initial donation fee from~~,~~ and issue a special certificate of registration to~~,~~ a person who is eligible to receive the sponsor's generic specialty license plates. The person shall present the special certificate of registration upon application for the generic specialty license plates.

(2) A set of generic specialty license plates may be issued for any motor vehicle, except a trailer of any size, a motorcycle, or a quadricycle.

(3) (a) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, a person who receives generic specialty license plates is subject to the same rules and laws as those that govern number plates.

(b) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, the department is subject to the same rules and laws that govern the issuance of number plates.

(c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to any maximum issuance or use limitation that may be imposed on number plates.

(4) A person may combine an application for a generic specialty license plate with an application for a license plate with a design bearing a representation of a wheelchair as the symbol of a person with a disability as provided in 61-3-332(11)."

Section 109. Section 61-3-480, MCA, is amended to read:

"61-3-480. Fees for generic specialty license plates -- disposition. (1) In addition to the other fees and taxes imposed by law, an eligible person who applies for a generic specialty license plate shall pay an administrative fee of $15 and, except as provided in 61-3-479(1)(b), the donation fee specified by the sponsor.

(2) The county treasurer shall, upon receipt of the fees:

(a) deposit $5 of the $15 administrative fee in the county general fund;

(b) notwithstanding any other provisions of Title 7, Title 17, or this title and unless otherwise provided in 61-3-479(1)(b), accept the donation fee paid by the plate purchaser; and

(c) as provided in 15-1-504, once each month, transmit to the ~~department of revenue~~ state for distribution:

(i) $10 of the $15 administrative fee to the state general fund; and

(ii) all donation fees provided for in subsections (1) and (3), along with a schedule showing the number and type of generic specialty license plates issued and total donations received for the benefit of each sponsor of a generic specialty license plate issued or renewed, to each respective sponsor.

(3) If the donation fee is required by a sponsor upon renewal of generic specialty license plates, the fee must be paid to the county treasurer upon renewal of registration and transmitted to the ~~department of revenue~~ state as prescribed in subsection (2).

(4) Once each month, the ~~department of revenue~~ state shall distribute to the generic specialty license plate liaison designated by a sponsor under 61-3-475(1)(c) or 61-3-476(3) an amount equal to the total donations credited to that sponsor and transferred to the department of revenue by the county treasurers during the preceding month."

Section 110. Section 61-3-481, MCA, is amended to read:

"61-3-481. Generic specialty license plates -- restrictions on use. (1) Generic specialty license plates may be issued by the department in conjunction with the registration of any motor vehicle, except a trailer of any size, a motorcycle, or a quadricycle. The department may not issue generic specialty license plates without the motor vehicle having been registered.

(2) Generic specialty license plates may be used only as the official number plates for a motor vehicle."

Section 111. Section 61-3-501, MCA, is amended to read:

"61-3-501. When motor vehicle taxes and fees are due. (1) Light vehicle registration fees, local option motor vehicle taxes or fees, fees in lieu of tax, and other fees must be paid on the date of registration or reregistration of the motor vehicle.

(2) (a) If the anniversary date for reregistration of a motor vehicle passes while the motor vehicle is owned and held for sale by a licensed new or used car dealer, light vehicle registration fees, local option motor vehicle taxes or fees, or fees in lieu of tax abate on the vehicle properly reported with the county treasurer until the motor vehicle is the subject of a retail sale. After the sale, the purchaser shall pay the pro rata balance of the light vehicle registration fees, local option motor vehicle taxes or fees, or fees in lieu of tax due and owing on the motor vehicle.

(b) A person selling a motor vehicle or trading a motor vehicle to a dealer shall disclose to the purchaser any amount of taxes or fees in lieu of tax that are due or past due on the motor vehicle at the time the person sells a motor vehicle or trades a motor vehicle to a dealer. If the disclosure is not made, the person selling the motor vehicle or trading the motor vehicle to the dealer shall pay the taxes or fees. Taxes or fees in lieu of tax that are due or past due on a motor vehicle at the time that a person sells or trades the motor vehicle to a dealer must

be paid by the person who sold or traded the motor vehicle to the dealer, unless the person who purchases the motor vehicle from the dealer agrees in writing to assume the payment of those taxes or fees. This subsection (2)(b) does not apply to fleet motor vehicles, leased motor vehicles, or rental return motor vehicles.

(c) For the purposes of this subsection (2), a retail sale does not include a transfer between any of the following:

(i) a licensed new motor vehicle or used motor vehicle dealer;

(ii) another licensed new motor vehicle or used motor vehicle dealer;

(iii) a licensed wholesaler; or

(iv) a licensed auto auction.

(3) In the event that a motor vehicle's registration period is changed under 61-3-315, all light vehicle registration fees, local option motor vehicle taxes or fees, fees in lieu of tax, and other fees due must be prorated and paid from the last day of the old period until the first day of the new period in which the motor vehicle is registered. The light vehicle registration fees, local option motor vehicle taxes or fees, fees in lieu of tax, and other fees must be paid from the first day of the new period for a minimum period of 1 year. When the change is to a later registration period, light vehicle registration fees, local option motor vehicle taxes or fees, and other fees must be prorated and paid based on the same tax year as the original registration period. Thereafter, during the appropriate anniversary registration period, each motor vehicle must again be registered or reregistered and all light vehicle registration fees, local option motor vehicle taxes or fees, and other fees must be paid for a 12-month period."

Section 112. Section 61-3-503, MCA, is amended to read:

"61-3-503. Assessment -- definition. (1) Except as provided in 61-3-520 and subsection (4) of this section, the following apply to the taxation of motor vehicles:

(a) For the purposes of imposing the local option motor vehicle tax under 61-3-537, light vehicles subject to the provisions of 61-3-313 through 61-3-316 must be assessed as of the first day of the registration period, using the depreciated value of the manufacturer's suggested retail price as determined in subsection (2).

(b) A lien for taxes and fees due on the motor vehicle occurs on the anniversary date of the registration and continues until the fees and taxes have been paid. If the depreciated value is less than $500, the department shall value the motor vehicle at $500.

(2) (a) Except as provided in subsections (2)(c) and (2)(d), the depreciated value for the taxation of light vehicles is computed by multiplying the manufacturer's suggested retail price by a percentage multiplier based on the type and age of the light vehicle determined from the following table:

Age of Vehicle □ 0; &# 160; □ 0; &# 160; □ 0; Type of Vehicle

(in years) □ 0; &# 160; Automobile □ 60; Truck &# 160; Van   Sport Utility

-1 □ 0; &# 160; 100% □ 60;100% &# 160; 100%   □ 0;100%

0 □ 0; &# 160; □ 0; 90 96 93 &# 160; □ 0; 98

1 □ 0; &# 160; □ 0; 80 91 86 &# 160; □ 0; 94

2 □ 0; &# 160; □ 0; 69 86 78 &# 160; □ 0; 90

3 □ 0; &# 160; □ 0; 58 80 69 &# 160; □ 0; 84

4 □ 0; &# 160; □ 0; 49 73 60 &# 160; □ 0; 76

5 □ 0; &# 160; □ 0; 41 66 52 &# 160; □ 0; 67

6 □ 0; &# 160; □ 0; 33 57 45 &# 160; □ 0; 57

7 □ 0; &# 160; □ 0; 26 49 38 &# 160; □ 0; 48

8 □ 0; &# 160; □ 0; 21 43 32 &# 160; □ 0; 39

9 □ 0; &# 160; □ 0; 17 37 27 &# 160; □ 0; 33

10 □ 0; &# 160; □ 0; 14 31&# 160; 22   □ 0; 29

11 □ 0; &# 160; □ 0; 12 26&# 160; 18   □ 0; 25

12 □ 0; &# 160; □ 0; 10 22&# 160; 15   □ 0; 22

13 □ 0; &# 160; □ 0; 09 18&# 160; 13   □ 0; 21

14 □ 0; &# 160; □ 0; 09 15&# 160; 11 &#

160; □ 0; 19

15 □ 0; &# 160; □ 0; 09 13&# 160; 09 &#

160; □ 0; 17

16 □ 0; &# 160; □ 0; 09 12&# 160; 09 &#

160; □ 0; 15

(b) The age for the light vehicle is determined by subtracting the manufacturer's model year of the light vehicle from the calendar year for which the tax is due.

(c) If the value of the light vehicle determined under subsection (2)(a) is $500 or less, the value of the light vehicle is $500 and the value must remain at that amount as long as the light vehicle is registered.

(d) The depreciated value of a light vehicle that is 17 years old or older is computed by depreciating the value obtained for the vehicle at 16 years old, as determined under subsection (2)(a), by 10% a year until a minimum value of $500 is attained. The value must remain at that amount as long as the light vehicle is registered.

(3) (a) For the purposes of this section, "manufacturer's suggested retail price" means the price suggested by the manufacturer for each given type, style, or model of light vehicle produced and first made available for retail sale by the manufacturer.

(b) The manufacturer's suggested retail price is based on standard equipment of a light vehicle and does not contain price additions or deductions for optional accessories.

(c) When a manufacturer's suggested retail price is unavailable for a motor vehicle, the department shall determine an alternative valuation for the motor vehicle.

(4) The provisions of subsections (1) through (3) do not apply to buses, trucks having a manufacturer's rated capacity of more than 1 ton, truck tractors, motorcycles, motor homes, quadricycles, travel trailers, campers, mobile homes or manufactured homes ~~as those terms are defined in 15-1-101(1)~~."

Section 113. Section 61-3-506, MCA, is amended to read:

"61-3-506. Rules. The department ~~of justice~~ may adopt rules:

(1) for the assessment and collection of ~~taxes and~~ registration fees under ~~61-3-560 through~~ 61-3-321 and 61-3-562, including the proration of fees under 61-3-520, on light vehicles, including criteria for determining the motor vehicle's age;

(2) for the imposition and collection of fees in lieu of tax, including the proration of fees in lieu of tax under 61-3-520, on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including criteria for determining the motor vehicle's age and manufacturer's rated capacity; and

(3) for the administration of fees for trailers, semitrailers, and pole trailers~~, and semitrailers~~, including criteria

for determining a trailer's age and weight."

Section 114. Section 61-3-507, MCA, is amended to read:

"61-3-507. Exemption. A motor vehicle, trailer, semitrailer, or pole trailer that is exempt from taxation and registration fees under 15-6-215 or subject to the provisions of 61-3-520 is exempt from all other taxes and fees generally imposed on a motor vehicle, trailer, semitrailer, or pole trailer by this part."

Section 115. Section 61-3-509, MCA, is amended to read:

"61-3-509. Disposition of fees. All registration fees imposed by ~~61-3-561~~ 61-3-321 ~~from~~ on light vehicles, ~~all registration fees imposed by 61-3-522 from~~ motor homes, ~~all fees in lieu of tax imposed by 61-3-527 from~~ motorcycles, ~~and~~ quadricycles, ~~and all fees imposed by 61-3-529 from~~ buses, motor vehicles having a manufacturer's rated capacity of more than 1 ton, and truck tractors, for which a license is sought and an original application for title that includes a manufacturer's statement of origin is made, must be remitted to the ~~department of revenue~~ state, as provided in 15-1-504, every 30 days. The ~~department of revenue shall credit the~~ payments ~~to~~ must be deposited in the state general fund."

Section 116. Section 61-3-520, MCA, is amended to read:

"61-3-520. Fees on motor vehicles used exclusively in filming motion pictures or television commercials. (1) A motor vehicle, trailer, semitrailer, or pole trailer used exclusively in the filming of motion pictures or television commercials that has been in the state for a period exceeding 180 consecutive days in a calendar year is subject to a registration fee under ~~61-3-560 and 61-3-561~~ 61-3-321 ~~or a fee in lieu of tax~~ as if the motor vehicle, trailer, semitrailer, or pole trailer were not used exclusively for filming motion pictures or television commercials, but the registration fee ~~or fee in lieu of tax~~ must be prorated as provided in subsection (2).

(2) (a) The registration fees ~~or the fees in lieu of tax~~ imposed under subsection (1) must be prorated by dividing the number of days in excess of 180 consecutive days in the calendar year by 365.

(b) Fees on a motor vehicle, trailer, semitrailer, or pole trailer imposed pursuant to this section must be collected as provided in this chapter."

Section 117. Section 61-3-526, MCA, is amended to read:

"61-3-526. Registration of motor homes and travel trailers -- reregistration by mail allowed. (1) Except for a motor home displaying amateur radio operator license plates as provided in 61-3-421, all registrations of motor homes expire annually on April 30. Application for registration or reregistration must be made to the

county treasurer not later than June 15. Reregistration may be made by mail in the manner provided in 61-3-535. If the ownership of a motor home is transferred during the registration year, it must be reregistered as provided by statute.

(2) The owner of a motor home registered under the provisions of this section may operate the ~~vehicle~~ motor home between May 1 and June 15 without displaying the certificate of registration of the current registration year if the owner, during that period, displays upon the motor home the number plates or plate or the registration decal assigned to the motor home for the previous registration year.

(3) A travel trailer that is initially registered under this chapter remains registered unless ownership of the travel trailer is transferred. If ownership is transferred, the new owner shall register the travel trailer as if the travel trailer were being registered for the first time.

(4) The department shall adopt rules to assign a registration period for motor homes that display amateur radio operator license plates."

Section 118. Section 61-3-529, MCA, is amended to read:

"61-3-529. Schedule of fees for buses, motor vehicles having rated capacity of more than 1 ton, and truck tractors -- proration -- exemption. (1) (a) There is a fee in lieu of property tax imposed on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors. The fee is in addition to annual registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer of buses, trucks, or truck tractors that constitute inventory of the dealership.

(2) Subject to the conditions of subsection (4), the owner of a bus, truck with a manufacturer's rated capacity of more than 1 ton, or truck tractor shall pay a fee in lieu of tax based on the age and manufacturer's rated capacity of the motor vehicle according to the following schedule:

Age of Motor Vehicle □ 0; &# 160; Rated Capacity (in pounds)

(in years) □ 0; 16,999 or less & #160; 17,000-26,999 27,000-54,999 | 60; 55,000

& #160; □ 0; &# 160; □ 0; &# 160; □ 0; &# 160; □ 0; or more

1 or less & #160; □ 0; $117 □ 0; &# 160; < /span>$167 & #160; $284 □ 0; $375

2 □ 0; &# 160; 109 & #160; □ 0; 150 | 0; 250 □ 60; 300

3 □ 0; &# 160; 100 & #160; □ 0; 134 |

0; 220 □ 60; 266

4 □ 0; &# 160; 92&# 160; □ 0; 117 □ 0; &# 160; 184 □ 60; 242

5 □ 0; &# 160; 83&# 160; □ 0; 109 □ 0; &# 160; 160 □ 60; 195

6 □ 0; &# 160; 75&# 160; □ 0; 100 □ 0; &# 160; 134 □ 60; 167

7 □ 0; &# 160; 66&# 160; □ 0; 91 □ 0; &# 160; 117 □ 60; 147

8 □ 0; &# 160; 58&# 160; □ 0; 83 □ 0; &# 160; 100 □ 60; 125

9 □ 0; &# 160; 50&# 160; □ 0; 75 □ 0; &# 160; 92 □ 0; &# 160; 109

10 □ 0; &# 160; 41 &# 160; □ 0; 58 □ 0; &# 160; 79 □ 0; &# 160; 92

11-12 □ 60; & #160; □ 0; 33 □ 0; &# 160;50 □ 0; &# 160; 67 &# 160; 76

13-14 □ 60; & #160; □ 0; 28 □ 0; &# 160;37 □ 0; &# 160; 52 &# 160; 61

15-16 □ 60; & #160; □ 0; 25 □ 0; &# 160;30 □ 0; &# 160; 38 &# 160; 47

17-18 □ 60; & #160; □ 0; 18 □ 0; &# 160;26 □ 0; &# 160; 29 &# 160; 36

19-20 □ 60; & #160; □ 0; 13 □ 0; &# 160;19 □ 0; &# 160; 22 &# 160; 26

21 or more □ 0; &# 160; 10 □ 0; &# 160; 12 &# 160; □ 0; 16 □ 0;20

(3) The age of the motor vehicle is determined by subtracting the manufacturer's model year of the motor vehicle from the calendar year for which the fee in lieu of tax is due.

(4) (a) The manufacturer's rated capacity for a bus or truck with a manufacturer's rated capacity of more than 1 ton is the manufacturer's rated gross vehicle weight.

(b) The manufacturer's rated capacity for a truck tractor is the manufacturer's rated gross combined weight.

(5) A motor vehicle brought into the state or otherwise used for the exclusive purpose of filming motion

pictures or television commercials is exempt from the fee in lieu of tax if the vehicle does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

(6) Except as provided in 61-3-520, the fee in lieu of tax on a motor vehicle subject to this section that is brought or driven into this state by a nonresident person for hire, compensation, or profit must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year.

(7) (a) The fee in lieu of tax on a motor vehicle subject to this section that is registered in the state for the first time must be prorated as provided in subsection (6).

(b) The fee in lieu of tax on a motor vehicle subject to this section that is reregistered in the state is for a full year.

(8) The fee in lieu of tax may not be refunded."

Section 119. Section 61-3-535, MCA, is amended to read:

"61-3-535. ~~Vehicle~~ Motor vehicle reregistration by mail -- reminder notice and reregistration notice by mail. (1) The department may allow the owner of a motor vehicle, trailer, semitrailer, or pole trailer to renew the registration of a motor vehicle, trailer, semitrailer, or pole trailer by mail when the value, age, length, weight, or other criteria used to determine the tax or fee for a particular type of motor vehicle, trailer, semitrailer, or pole trailer is available to the department by electronic means.

(2) Any mail reregistration procedure developed by the department must include a procedure to facilitate automated handling of mail reregistration and must provide for a written reminder notice by mail to the owner of a motor vehicle, trailer, semitrailer, or pole trailer ~~owner~~ of the requirement to reregister the owner's motor vehicle, trailer, semitrailer, or pole trailer with the county treasurer or to apply for the annual registration decal.

(3) The department shall adopt rules to implement the mail reregistration and registration decal application procedure."

Section 120. Section 61-3-537, MCA, is amended to read:

"61-3-537. Local option motor vehicle tax. (1) A county may impose a local option motor vehicle tax on motor vehicles subject to the registration fee imposed under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562 at a rate of up to 0.7% of the value determined under 61-3-503 or a local flat fee, in addition to the fee imposed under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562.

(2) A local option motor vehicle tax or flat fee is payable at the same time and in the same manner as the fee imposed under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562. The tax or fee is distributed as follows:

(a) 50% to the county; and

(b) the remaining 50% to the county and the incorporated cities and towns within the county, apportioned on the basis of population. The distribution to a city or town is determined by multiplying the amount of money available by the ratio of the population of the city or town to the total county population. The distribution to the county is determined by multiplying the amount of money available by the ratio of the population of unincorporated areas within the county to the total county population.

(3) The governing body of a county may impose, revise, or revoke a local option motor vehicle tax or flat fee if the imposition, revision, or revocation of the tax or fee is approved by the electorate of the county. The imposition, revision, or revocation of the tax or fee is effective on January 1 following its approval by the electorate. The county governing body by resolution may provide for the distribution of the local option motor vehicle tax or flat fee."

Section 121. Section 61-3-562, MCA, is amended to read:

"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules. (1) (a) Except as provided in subsection ~~(1)(c)~~ (1)(b), the owner of a light vehicle 11 years old or older subject to the registration fee, as provided in ~~61-3-561~~ 61-3-321(2), may permanently register the light vehicle upon payment of a ~~$50~~ $87.50 registration fee, the applicable registration and license fees under ~~61-3-321 and~~ 61-3-412, and an amount equal to five times the applicable fees imposed for each of the following:

~~(i) junk vehicle disposal fees under 15-1-122(3)(a);~~

~~(ii) weed control fees under 15-1-122(3)(b);~~

~~(iii)~~(i) the former county motor vehicle computer fees under 61-3-511;

~~(iv)~~(ii) the local option motor vehicle tax or flat fee on vehicles under 61-3-537; and

~~(v)~~(iii) if applicable, special license plate fees under 61-3-332 and renewal fees for personalized plates under 61-3-406~~; and~~

~~(vi) senior citizens and persons with disabilities transportation services fees as provided in 61-3-321(6).~~

~~(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional $2 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the $2 fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709~~.

~~(c)~~(b) The following series of license plates may not be used for purposes of permanent registration of a light vehicle:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

(iii) license plates bearing a wheelchair design as a symbol of a person with a disability issued under 61-3-

332(11);

(iv) amateur radio operator license plates issued under 61-3-422;

(v) collegiate license plates issued under 61-3-465; and

(vi) generic specialty license plates issued under 61-3-479.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a vehicle that is permanently registered under this section is not subject to additional registration fees ~~under 61-3-561~~ or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall~~:~~

~~(a) distribute the $50 registration fee collected under this section as provided in 61-3-509;~~

~~(b)~~ once each month, remit to the ~~department of revenue~~ state the amounts collected under this section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(3) and 61-10-201. The county treasurer shall retain the local option motor vehicle tax or flat fee.

(5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's permanent registration.

(b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and file an application for registration under 61-3-303. ~~(Subsection (1)(b) terminates on occurrence of contingency - sec. 24, Ch. 191, L. 2001.)~~"

Section 122. Section 61-3-603, MCA, is amended to read:

"61-3-603. Penalty for alteration or forgery of certificate of ownership or certificate of title -- assignment. A person who alters or forges or causes to be altered or forged any motor vehicle, trailer, semitrailer, or pole trailer certificate of ownership or certificate of title or any assignment of a certificate of ownership or certificate of title or who holds or uses any certificate or assignment knowing that the certificate has been altered or forged is guilty of a felony. Upon a conviction of a violation of this section, the offender is subject to a fine of not more than $5,000, to imprisonment for a period of not more than 10 years, or both."

Section 123. Section 61-3-604, MCA, is amended to read:

"61-3-604. Penalty for altering identification number. (1) A person who willfully removes or falsifies an identification number of a motor vehicle, trailer, semitrailer, pole trailer, or motor vehicle engine is punishable by

a fine of not more than $5,000 or imprisonment in the state prison for a period of not more than 10 years, or both.

(2) Any person or persons, firm, or corporation that sells or offers for sale in this state a motor vehicle, trailer, semitrailer, or pole trailer the original vehicle identification number of which has been destroyed, removed, altered, covered, or defaced, with the exception of motor vehicles, trailers, semitrailers, or pole trailers bearing a state-assigned identification number in accordance with 61-3-107, is punishable by a fine of not less than $200 or more than $500 and by imprisonment in the county jail for a term of not less than 30 days or more than 180 days. Upon a second or subsequent conviction under this subsection, the punishment shall be imprisonment in the state prison for a term of not less than 1 year or more than 5 years or a fine in an amount not to exceed $50,000, or both."

Section 124. Section 61-3-607, MCA, is amended to read:

"61-3-607. Penalty for tampering with odometer or violating odometer statement requirements. (1) It is unlawful for a person to tamper with the odometer of a motor vehicle. It is considered tampering if a person removes, turns back, or changes the reading on the odometer, except when repairing or replacing a defective odometer and setting it anew to show the true mileage, or if a person sells, offers for sale, uses, installs, or causes to be installed any device that causes the odometer to register a mileage reading other than the true mileage for the purpose of deceiving a prospective purchaser. For purposes of this section, the true mileage is that driven by the motor vehicle as registered by the odometer within the manufacturer's designed tolerance.

(2) A person who purposely or knowingly violates the provisions of 61-3-206 or subsection (1) of this section is punishable by a fine of not more than $5,000 or imprisonment in the state prison for a period of not more than 10 years, or both. If that person is a motor vehicle dealer, the department shall revoke the dealer's license. Action by the department under this subsection must conform to the contested case procedures in Title 2, chapter 4."

Section 125. Section 61-3-701, MCA, is amended to read:

"61-3-701. Out-of-state motor vehicles used in gainful occupation to be registered -- reciprocity. (1) Before a motor vehicle, trailer, semitrailer, or pole trailer that is registered in another jurisdiction may be operated on the highways of this state for hire, compensation, or profit or before the owner or user of the motor vehicle, trailer, semitrailer, or pole trailer uses the motor vehicle, trailer, semitrailer, or pole trailer if the owner or user is engaged in gainful occupation or business enterprise in the state, including highway work, the owner of the motor vehicle, trailer, semitrailer, or pole trailer shall register the motor vehicle, trailer, semitrailer, or pole trailer at the office of a county treasurer or an authorized agent of the department. Upon satisfactory evidence of

ownership submitted to the county treasurer or the department's authorized agent and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by 15-8-201, 15-8-202, 15-24-301, 61-3-529, 61-3-321(2), or 61-3-537, ~~or 61-3-560 and 61-3-561,~~ the treasurer or authorized agent shall enter the motor vehicle, trailer, semitrailer, or pole trailer for registration purposes only on the electronic registry maintained by the department under 61-3-101.

(2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue to the owner of the motor vehicle, trailer, semitrailer, or pole trailer ~~owner~~ a registration receipt and the proper license plates or other identification markers. The license plates or identification markers must at all times be displayed upon the motor vehicle, trailer, semitrailer, or pole trailer when operated or driven upon roads and highways of this state during the registration period indicated on the receipt.

(3) The registration receipt does not constitute evidence of ownership but must be used only for registration purposes. A Montana certificate of title may not be issued for a motor vehicle, trailer, semitrailer, or pole trailer registered under this section.

(4) This section is not applicable to a motor vehicle, trailer, semitrailer, or pole trailer covered by a valid and existing reciprocal agreement or declaration entered into under Montana law."

Section 126. Section 61-3-702, MCA, is amended to read:

"61-3-702. Foreign vehicles to display number plates. All foreign registered and licensed motor vehicles, trailers, semitrailers, or pole trailers shall ~~also~~ carry in plain sight ~~thereon~~ on the motor vehicle, trailer, semitrailer, or pole trailer the license plates or device from ~~such~~ the other state or foreign country."

Section 127. Section 61-3-703, MCA, is amended to read:

"61-3-703. Purpose. Sections 61-3-701 and 61-3-702 ~~shall be~~ are solely for the purpose of taxation, registration, and identification of motor vehicles, trailers, semitrailers, or pole trailers operated in this state that have paid a license fee in another state or foreign country, and ~~otherwise~~ other than as ~~herein~~ specifically set forth ~~shall~~ in 61-3-701 and 61-3-702 may not be construed as a repeal of any laws or parts of laws having to do with the registration or licensing of ~~automobiles~~ motor vehicles, trailers, semitrailers, or pole trailers within the state."

Section 128. Section 61-3-704, MCA, is amended to read:

"61-3-704. Penalty. Any person operating a motor vehicle, trailer, semitrailer, or pole trailer in violation of the intent and purpose of 61-3-701 or 61-3-702 ~~shall be~~ is guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished by a fine of not less than $10 or more than $50, ~~or~~ confined in the county jail for not more than

30 days, or both ~~such fine and imprisonment~~."

Section 129. Section 61-3-707, MCA, is amended to read:

"61-3-707. Foreign vehicles used for transportation in connection with employment. (1) (a) Before a motor vehicle, trailer, semitrailer, or pole trailer that has been assessed a fee pursuant to 15-24-301(4) may be operated in Montana for a calendar quarter, the person responsible for payment of fees shall apply for and obtain a ~~window~~ decal provided by the department.

(b) Decals must be color-coded to distinguish the four quarterly registration periods of the year.

(c) An applicant may purchase a decal for more than one registration quarter at a time by paying the appropriate amount.

(d) There is a $2 fee for each decal, and money collected from this fee must be deposited to the state general fund. The $2 fee is in addition to the registration fee.

(e) A current ~~window~~ decal must be displayed on the lower right-hand corner of the windshield of a motor vehicle and in a conspicuous location on a trailer, semitrailer, or pole trailer.

(2) (a) Before a motor vehicle exempted pursuant to 15-6-217 may be operated in Montana, the person responsible for the motor vehicle shall apply for and obtain a window decal from the county treasurer. The department shall supply the decals to the county treasurers.

(b) An application approved by the department must include a verification from the employer that the person is employed by a Montana health care facility that is located in an area that has been:

(i) designated by the secretary of the federal department of health and human services as a health professional shortage area, as provided in 42 U.S.C. 254(e); or

(ii) determined to have a critical shortage of nurses, as provided in 42 U.S.C. 297n(a)(3).

(c) Decals expire each year on December 31 of the year in which issued, and application for reregistration must be filed with the county treasurer no later than February 15 of each year. Decals must be color-coded to distinguish the year.

(d) A current window decal must be displayed on the lower right-hand corner of the windshield."

Section 130. Section 61-3-708, MCA, is amended to read:

"61-3-708. Cooperative or reciprocal registration -- filing of insurance -- fee. (1) The department may enter into written agreements with agencies of other states to allow for the cooperative or reciprocal state registration of interstate or international motor carriers and authorize the agency of a participating state to:

(a) issue interstate motor carrier registrations, stamps, and permits;

(b) accept filings of insurance, financial responsibility, and orders;

(c) collect and disburse fees;

(d) share and exchange information for audit, reporting, and enforcement purposes; and

(e) perform any other function that the department determines is justified to facilitate the cooperative or reciprocal registration.

(2) (a) The department may impose a fee set by rule on an interstate or international motor carrier for the administration of this section. The fee must be paid on each motor vehicle, trailer, semitrailer, or pole trailer operated by the motor carrier on the public highways of this state. At the time of initial registration and in each succeeding year, at a time set by the department, the motor carrier shall pay the fee to the department.

(b) The department shall remit the fee to the state treasurer for deposit in the general fund."

Section 131. Section 61-3-709, MCA, is amended to read:

"61-3-709. Identification of ownership of certain large motor vehicles. (1) (a) A person may not operate a motor vehicle, trailer, semitrailer, or pole trailer or combination of motor vehicles, trailers, semitrailers, or pole trailers, except farm motor vehicles, having a gross weight of more than 10,000 pounds upon the highways of the state unless there is displayed on both sides of each motor vehicle, trailer, semitrailer, or pole trailer operated under its own power, either alone or in combination:

(i) the name or trade name and city and state of the person or corporation under whose jurisdiction the motor vehicle, trailer, semitrailer, or pole trailer is being operated; or

(ii) the trade name and department of transportation number of the person or corporation under whose jurisdiction the motor vehicle, trailer, semitrailer, or pole trailer is being operated.

(b) The display of name must be in letters in sharp contrast to the background and in size, shape, and color readily legible in daylight from a distance of 50 feet while the motor vehicle, trailer, semitrailer, or pole trailer is not in motion. The display must be kept and maintained to remain legible. The display may be accomplished either by painting the information on the motor vehicle, trailer, semitrailer, or pole trailer or through the use of a decal or a removable device that is prepared so that it meets the identification and legibility requirements of this section.

(2) This section does not apply to motor vehicles, trailers, semitrailers, or pole trailers being:

(a) transported to dealers from point of manufacture;

(b) transported from one dealer to another;

(c) demonstrated to a prospective buyer; or

(d) delivered to a buyer from a dealer or a manufacturer."

Section 132. Section 61-3-711, MCA, is amended to read:

"61-3-711. Declaration of policy. It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of ~~motor vehicle~~ reciprocal or proportional registration agreements, arrangements, and declarations with other states, provinces, territories, and countries with respect to motor vehicles, trailers, semitrailers, or pole trailers registered in this and ~~such~~ other states, provinces, territories, and countries thus contributing to the economic and social development and growth of this state."

Section 133. Section 61-3-712, MCA, is amended to read:

"61-3-712. Definitions. As used in 61-3-711 through 61-3-733 the following definitions apply:

(1) "Apportionable motor vehicle" means a motor vehicle, trailer, semitrailer, or pole trailer ~~which~~ that is used or intended for use in more than one jurisdiction and that is used for the transportation of persons for hire, compensation, or profit~~,~~ or designed or used primarily for the transportation of property.

(2) "Fleet" means one or more apportionable motor vehicles.

(3) "Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(4) "Legal residence" means a jurisdiction where the person lives or conducts ~~his~~ business. This residence need not be coupled with the intent to live or conduct the business there on a permanent basis. The use of the word "residence" in 61-3-711 through 61-3-733 ~~shall~~ must be confined to the definition given~~,~~ and ~~shall~~ may not be confused with the word "domicile". This definition of "residence" further recognizes that a person may have several residences, but only one domicile.

(5) "Preceding year" means a period of 12 consecutive months fixed by the department of transportation, which period ~~shall~~ must be within 18 months immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department in fixing the period shall ~~make it~~ conform the period to the terms, conditions, and requirements of any applicable agreement or arrangements for the proportional registration of motor vehicles, trailers, semitrailers, or pole trailers.

(6) (a) "Properly registered", as applied to place of registration, means:

(i) the jurisdiction where the person registering the motor vehicle, trailer, semitrailer, or pole trailer has ~~his~~ the person's legal residence;

(ii) in the case of an apportionable motor vehicle, the jurisdiction in which it is registered if the enterprise in which the motor vehicle, trailer, semitrailer, or pole trailer is used has a place of business ~~therein~~ in the jurisdiction and if the motor vehicle, trailer, semitrailer, or pole trailer is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from the place of business and the motor vehicle, trailer, semitrailer, or pole trailer has been assigned to the place of business; or

(iii) in the case of an apportionable motor vehicle, the jurisdiction where because of an agreement or arrangement between two or more jurisdictions or pursuant to a declaration the motor vehicle, trailer, semitrailer, or pole trailer has been registered as required by that jurisdiction.

(b) In case of doubt or dispute as to the proper place of registration of a motor vehicle, trailer, semitrailer, or pole trailer, the transportation commission shall make the final determination, but in making the determination, the commission may confer with departments of the other jurisdictions affected."

Section 134. Section 61-3-714, MCA, is amended to read:

"61-3-714. Authority for reciprocity agreements, provisions, reciprocity standards. The department of transportation may enter into an agreement or arrangement with the duly authorized representatives of other jurisdictions, granting to motor vehicles, trailers, semitrailers, or pole trailers or to owners of motor vehicles, trailers, semitrailers, or pole trailers ~~which~~ that are properly registered or licensed in those jurisdictions~~,~~ and for which evidence of compliance is supplied, benefits, privileges, and exemptions from payment, wholly or partially, of any taxes, fees, or other charges imposed upon those motor vehicles, trailers, semitrailers, or pole trailers or owners with respect to the operation or ownership of the motor vehicles, trailers, semitrailers, or pole trailers under the laws of this state. The agreement or arrangement ~~shall~~ must provide that vehicles properly registered or licensed in this state, when operated upon highways of those other jurisdictions, ~~shall~~ must receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to motor vehicles, trailers, semitrailers, or pole trailers properly registered or licensed in the jurisdiction when operated in this state. The agreement or arrangement ~~shall~~ must, in the judgment of the department, be in the best interests and fair and equitable to this state and its citizens determined on the basis and recognition of the benefits ~~which~~ that accrue to the economy of this state from the uninterrupted flow of commerce."

Section 135. Section 61-3-715, MCA, is amended to read:

"61-3-715. Base state registration reciprocity. An agreement or arrangement entered into or a declaration issued under the authority of 61-3-711 through 61-3-733 may contain provisions authorizing the registration or licensing in another jurisdiction of motor vehicles, trailers, semitrailers, or pole trailers located in or operated from a base in ~~such~~ the other jurisdiction~~, which~~ for motor vehicles, trailers, semitrailers, or pole trailers ~~otherwise~~ that would be required to be registered or licensed in this state~~;~~. ~~and in such event the~~ The exemptions, benefits, and privileges extended by ~~such~~ the agreement, arrangement, or declaration ~~shall~~ apply to ~~such~~ motor vehicles, trailers, semitrailers, or pole trailers when properly licensed or registered in ~~such~~ the base jurisdiction."

Section 136. Section 61-3-716, MCA, is amended to read:

"61-3-716. Proportional registration of fleet motor vehicles. (1) If a jurisdiction permits or requires the licensing of fleets of motor vehicles, trailers, semitrailer, or pole trailers in interstate or combined interstate and intrastate commerce and payment of registration fees, license fees, taxes, or other fixed fees on those motor vehicles, trailers, semitrailers, or pole trailers on an apportionment basis commensurate with and determined by the miles traveled on and the use made of the jurisdiction's highways~~,~~ as compared with the miles traveled on and the use made of other jurisdiction's highways or any other equitable basis of apportionment~~,~~ and if the jurisdiction exempts motor vehicles, trailers, semitrailers, or pole trailers registered in any other jurisdiction under this apportionment basis from the requirements of full payment of its own registration, license fees, taxes, or other fixed fees, then the department may, by agreement, adopt exemptions with respect to motor vehicles, trailers, semitrailers, or pole trailers of these fleets, whether owned by residents or nonresidents of this state and regardless of where they are based. An agreement, under the terms, conditions, or restrictions that the department considers proper, may provide that owners of motor vehicles, trailers, semitrailers, or pole trailers operated in interstate or combined interstate and intrastate commerce in this state be permitted to pay registration, license fees, taxes, or other fixed fees on an apportionment basis~~,~~ commensurate with and determined by the miles traveled on and the use made of the highways of this state as compared with the use made of the highways of other jurisdictions or any other equitable basis of apportionment. This agreement may not authorize or be construed to authorize a motor vehicle, trailer, semitrailer, or pole trailer so registered to be operated in intrastate commerce in this state unless the owner of the motor vehicle, trailer, semitrailer, or pole trailer has been granted intrastate authority or rights by the public service commission if a grant is otherwise required by law.

(2) The department of transportation may adopt rules that it considers necessary to carry out and administer this section, and the registration of fleet motor vehicles, trailers, semitrailers, or pole trailers under 61-3-711 through 61-3-733 is subject to the rights, terms, and conditions granted by or contained in any applicable agreement, arrangement, or declaration made by the department. The department of transportation shall adopt rules providing for a change of registration period for a fleet in a case in which the owner of the fleet requests that the registration period be changed to coincide with the registration period of one or more other fleets in the same ownership."

Section 137. Section 61-3-717, MCA, is amended to read:

"61-3-717. Declarations of extent of reciprocity. In the absence of an agreement or arrangement with another jurisdiction, the department may examine the laws and requirements of the jurisdiction and declare the extent and nature of exemptions, benefits, and privileges to be extended to motor vehicles, trailers, semitrailers,

or pole trailers properly registered or licensed in the other jurisdiction~~,~~ or to the owners of the motor vehicles, trailers, semitrailers, or pole trailers ~~which~~ that are in the judgment of the department in the best interests and fair and equitable to this state and its citizens determined on the basis and recognition of the benefits ~~which~~ that accrue to the economy of this state from the uninterrupted flow of commerce."

Section 138. Section 61-3-718, MCA, is amended to read:

"61-3-718. Extension of reciprocal privileges to lessees authorized. An agreement or arrangement entered into or a declaration issued under the authority of 61-3-711 through 61-3-733 may contain provisions under which a leased motor vehicle, trailer, semitrailer, or pole trailer properly registered by the lessor ~~thereof~~ may be entitled, subject to terms and conditions stated ~~therein~~ in the agreement, arrangement, or declaration, to the exemptions, benefits, and privileges extended by ~~such~~ the agreement, arrangement, or declaration."

Section 139. Section 61-3-719, MCA, is amended to read:

"61-3-719. Automatic reciprocity. ~~On and after March 7, 1963, if no~~ If an agreement, arrangement, or declaration is not in effect with respect to another jurisdiction as authorized by 61-3-711 through 61-3-733, any motor vehicle, trailer, semitrailer, or pole trailer properly registered or licensed in ~~such other~~ another jurisdiction~~,~~ and for which evidence of compliance is supplied~~, shall~~ must receive, when operated in this state, the same exemptions, benefits, and privileges granted by ~~such~~ the other jurisdictions to motor vehicles, trailers, semitrailers, or pole trailers properly registered in this state. Reciprocity extended under this ~~subsection shall apply~~ section applies to commercial motor vehicles, trailers, semitrailers, or pole trailers only when engaged exclusively in interstate commerce."

Section 140. Section 61-3-720, MCA, is amended to read:

"61-3-720. Proportional registration not exclusive. ~~Nothing contained in~~ Sections 61-3-711 through 61-3-733 relating to proportional registration of fleet motor vehicles, trailers, semitrailers, or pole trailers ~~shall~~ may not be construed as requiring any motor vehicle, trailer, semitrailer, or pole trailer to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged, including but not ~~by way of limitation~~ limited to regular registration, temporary registration, or trip permit or registration."

Section 141. Section 61-3-721, MCA, is amended to read:

"61-3-721. Proportional registration of fleet motor vehicles, registration periods, application, fee formula, and payment -- transfer of ownership -- transfer of license plates. (1) An owner of one or more fleets may register and license each fleet for operation in this state by filing an application with the department

of transportation. The application must contain the information pertinent to motor vehicle, trailer, semitrailer, or pole trailer registration that is required by the department of transportation.

(2) ~~Each~~ Except as provided in 61-3-318(1) and subsection (6) of this section, each fleet subject to the provisions of 61-3-711 through 61-3-733 must~~, except as provided in 61-3-318(1) and subsection (6) of this section,~~ be registered for an annual registration period based upon the date that the fleet is first registered in this state.

(3) There are four annual registration periods, each of which begins on the first day of a calendar quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September 30, or December 31. The periods are:

(a) January 1 through March 31 1st period

(b) April 1 through June 30 &# 160; 2nd period

(c) July 1 through September 30 3rd period

(d) October 1 through December 31 &# 160; 4th period

(4) Registration of a fleet of apportionable motor vehicles under subsection (2) must be renewed on or before the last day of the month for the designated annual registration period unless a different registration period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous registration of multiple fleets of apportionable motor vehicles in common ownership.

(5) Except as provided in subsection (6), the application for each fleet may be accompanied by a fee payment computed by:

(a) dividing in-state miles by total fleet miles as defined in the applicable agreement, arrangement, or declaration entered into pursuant to 61-3-711 through 61-3-733;

(b) determining the total amount necessary to register each motor vehicle, trailer, semitrailer, or pole trailer in the fleet for which registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and chapter 10, part 2, and the property taxes that are due on the fleet;

(c) multiplying the sum obtained under subsection (5)(b) by the fraction obtained under subsection (5)(a).

(6) (a) Each trailer, ~~and~~ semitrailer, and pole trailer fleet must be registered for a 5-year period based upon the date that the fleet is first registered in this state.

(b) Each trailer, ~~and~~ semitrailer, and pole trailer in the fleet for which registration is requested must be assessed a registration fee ~~equal to five times the amount prescribed by 61-3-321~~ of $82.50.

(c) Each trailer, ~~or~~ semitrailer, or pole trailer must be issued a license plate, a distinctive sticker, or other suitable identification device valid for 5 years from the date of the original application or renewal application.

(d) Registration of a trailer, ~~or~~ semitrailer, or pole trailer must be renewed on or before the last day of the month for the designated 5-year registration period.

(7) Upon the transfer of ownership of a trailer, ~~or~~ semitrailer, or pole trailer, the registration of the trailer, ~~or~~ semitrailer, or pole trailer expires and it is the duty of the transferor to immediately remove the license plates from the trailer or semitrailer.

(8) (a) If the transferor applies for the registration of another trailer, ~~or~~ semitrailer, or pole trailer at any time during the remainder of the current registration period as shown on the original registration, the transferor may file an application with the department of transportation, accompanied by the original certificate of registration, for the transfer of the license plates. The application for transfer of the license plates must be made by the person or motor carrier in whose name the original license plates to the trailer, ~~or~~ semitrailer, or pole trailer were issued. The use of the license plates is not legal until the proper transfer of license plates has been made.

(b) License plates may be transferred pursuant to this section without transferring ownership of the trailer, ~~or~~ semitrailer, or pole trailer for which the license plates were originally issued.

(c) Upon transfer of the license plates, the registration of the trailer, ~~or~~ semitrailer, or pole trailer from which the license plates were transferred expires. The registration for the trailer, ~~or~~ semitrailer, or pole trailer must be surrendered to the department of transportation with the application for transfer.

(d) License plates issued for a trailer, ~~or~~ semitrailer, or pole trailer under this section may be transferred only to a replacement trailer, ~~or~~ semitrailer, or pole trailer. A license plate fee may not be assessed upon transfer of a license plate.

(9) Applications submitted with fees may be recomputed by the department of transportation. The department of transportation shall furnish a statement showing the overpayment or balance due.

(10) Applications submitted without fees must be computed by the department of transportation. The department of transportation shall furnish a statement showing the amount of fees due."

Section 142. Section 61-3-722, MCA, is amended to read:

"61-3-722. Registration and identification of proportionally registered motor vehicles -- fees -- effect of registration. (1) The department shall register each proportionally registered motor vehicle, trailer, semitrailer, or pole trailer and issue a license plate or plates, a distinctive ~~sticker~~ decal, or other suitable identification device for each motor vehicle, trailer, semitrailer, or pole trailer described in the application upon payment of the appropriate fees and property taxes, as provided by law, for the application and for the license plates, ~~stickers~~ decals, or devices issued. A fee of $2 must be paid for each license plate, each ~~sticker~~ decal, and each device issued for each proportionally registered motor vehicle, trailer, semitrailer, or pole trailer. A fee of $5 must be paid for each motor vehicle, trailer, semitrailer, or pole trailer receiving temporary registration as authorized by section 704 of the international registration plan of the American association of motor vehicle administrators, adopted in April 1988. A registration card must be issued for each proportionally registered

motor vehicle, trailer, semitrailer, or pole trailer. The registration card must, in addition to other information required by chapter 3, show the number of the license, ~~sticker~~ decal, or other device issued for the proportionally registered motor vehicle, trailer, semitrailer, or pole trailer and must be carried in the motor vehicle, trailer, semitrailer, or pole trailer at all times.

(2) Fleet motor vehicles, trailers, semitrailers, or pole trailers registered and identified as fleet motor vehicles are considered fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for intrastate movement or operation, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated in intrastate commerce in this state unless the owner has been granted intrastate authority by the public service commission and unless the motor vehicle, trailer, semitrailer, or pole trailer is being operated in conformity with that authority."

Section 143. Section 61-3-723, MCA, is amended to read:

"61-3-723. Proportional registration not applicable in a single jurisdiction. The right to the privilege and benefits of proportional registration of fleet motor vehicles, trailers, semitrailers, or pole trailers extended by 61-3-711 through 61-3-733~~,~~ or by any contract, agreement, arrangement, or declaration made under the authority ~~thereof~~ of 61-3-711 through 61-3-733~~, shall be~~ is subject to the condition that each fleet motor vehicle, trailer, semitrailer, or pole trailer proportionally registered under the authority of 61-3-711 through 61-3-733 ~~shall~~ must also be proportionally or otherwise properly registered in at least one other jurisdiction during the period for which it is proportionally registered in this state."

Section 144. Section 61-3-724, MCA, is amended to read:

"61-3-724. Registration of additional fleet motor vehicles. ~~Vehicles~~ Motor vehicles, trailers, semitrailers, or pole trailers acquired by the owner after the commencement of the registration period and subsequently added to a proportionally registered fleet must be proportionally registered by applying the mileage percentage used in the original application for the fleet for the registration period to the regular registration fees due with respect to the motor vehicle, trailer, semitrailer, or pole trailer for the remainder of the registration period."

Section 145. Section 61-3-725, MCA, is amended to read:

"61-3-725. Withdrawal of fleet motor vehicles -- procedure, credits, and accounting. (1) If a motor vehicle, trailer, semitrailer, or pole trailer is withdrawn from a proportionally registered fleet during the period for which it is registered, the owner of the fleet shall notify the department of transportation of that fact on forms prescribed by the department. The department may require the owner to surrender proportional registration cards and other identification devices that have been issued with respect to that motor vehicle, trailer,

semitrailer, or pole trailer. If a motor vehicle, trailer, semitrailer, or pole trailer is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed from the service of the registrant, the unused portion of the gross vehicle weight fees paid with respect to that motor vehicle, trailer, semitrailer, or pole trailer must be credited to the proportional registration account of the owner. This unused portion equals the amount paid with respect to the motor vehicle, trailer, semitrailer, or pole trailer when it was first proportionally registered in the registration period, reduced by one-twelfth of the total annual gross vehicle weight fee of the motor vehicle, trailer, semitrailer, or pole trailer for each calendar month and fraction of a month elapsing between the first day of the month of the current period in which the motor vehicle, trailer, semitrailer, or pole trailer was registered and the date the notice of withdrawal is received by the department. This credit must be applied against liability for additional fees due during the registration period or for additional fees due upon audit under 61-3-728. If a credit is less than $5, it may not be made or entered. ~~In no event~~ A credit may ~~the amount~~ may not be ~~credited~~ taken against fees other than those for the registration period~~, nor may any amount be~~ and is not subject to refund.

(2) If the owner replaces a motor vehicle, trailer, semitrailer, or pole trailer withdrawn from the fleet at the same time as the withdrawal and the replacement motor vehicle, trailer, semitrailer, or pole trailer is of the same or of a lesser weight category than the one withdrawn, the gross vehicle weight fees are transferable to the replacement motor vehicle, trailer, semitrailer, or pole trailer. If the transfer is to a smaller motor vehicle, trailer, semitrailer, or pole trailer, a credit may not be given or entered."

Section 146. Section 61-3-727, MCA, is amended to read:

"61-3-727. Fleet registration -- denial when no reciprocity. The department may refuse to accept proportional registration applications for the registration of motor vehicles, trailers, semitrailers, or pole trailers based in~~,~~ another jurisdiction or owned by residents of~~,~~ another jurisdiction if the department finds that the other jurisdiction does not grant similar registration privileges to fleet motor vehicles, trailers, semitrailers, or pole trailers based in or owned by residents of this state."

Section 147. Section 61-3-728, MCA, is amended to read:

"61-3-728. Preservation of proportional registration records. An owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of 4 years following the year or period upon which the application is based. Upon request of the department, the owner shall make these records available to the department for audit as to accuracy of computations and payments or pay the reasonable costs of an audit at the owner's home office by an appointed representative of the department. The department may make arrangements with agencies of other jurisdictions

administering motor vehicle, trailer, semitrailer, or pole trailer registration laws for joint audits of the owner."

Section 148. Section 61-3-729, MCA, is amended to read:

"61-3-729. Relation to other state laws. The provisions of 61-3-711 through 61-3-733 ~~shall constitute complete~~ are authority for the registration of fleet motor vehicles, trailers, semitrailers, or pole trailers upon a proportional registration basis without reference to or application of any other statutes of this state ~~except as in this section expressly provided~~."

Section 149. Section 61-3-730, MCA, is amended to read:

"61-3-730. Suspension of reciprocity benefits. The department may suspend or cancel the exemptions, benefits, or privileges granted under 61-3-711 through 61-3-733 to a person who violates any of the conditions or terms of the agreements, arrangements, or declarations or violates the laws of this state relating to motor vehicles, trailers, semitrailers, or pole trailers~~,~~ or rules ~~lawfully~~ adopted ~~thereunder~~ under those laws."

Section 150. Section 61-3-732, MCA, is amended to read:

"61-3-732. Continued validity of existing reciprocity agreements. All reciprocity and proportional registration agreements, arrangements, and declarations relating to motor vehicles, trailers, semitrailers, or pole trailers in force and effect as of March 7, 1963, ~~shall~~ continue in force and effect until specifically amended or revoked as provided by law or by ~~such~~ the agreements, ~~or~~ arrangements, or declarations."

Section 151. Section 61-3-733, MCA, is amended to read:

"61-3-733. ~~Law~~ Laws supplemental to motor vehicle, trailer, semitrailer, or pole trailer registration ~~law~~ laws. Sections 61-3-711 through 61-3-732 are supplemental to the motor vehicle, trailer, semitrailer, or pole trailer registration ~~law~~ laws of this state."

Section 152. Section 61-3-736, MCA, is amended to read:

"61-3-736. Assessment of proportionally registered interstate motor vehicle fleets -- payment of fees required for registration. (1) (a) The department of transportation shall determine the fee for the purpose of imposing the fee in lieu of tax as provided in ~~61-3-528 and~~ 61-3-529 on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors and the light vehicle registration fee under ~~61-3-560 and 61-3-561~~ 61-3-321(2) on light vehicles in interstate motor vehicle fleets that are proportionally registered under the provisions of 61-3-711 through 61-3-733. The fee must be apportioned on the ratio of total miles traveled to in-state miles traveled as prescribed by 61-3-721. The fee in lieu of tax or registration fee on interstate motor

vehicle, trailer, semitrailer, or pole trailer fleets is imposed upon application for proportional registration and must be paid by the persons who own or claim the fleet or in whose possession or control the fleet is at the time of the application.

(b) With respect to an original application for a fleet that has a situs in Montana for the purpose of the fee in lieu of tax or registration fee under this part or any other provision of the laws of Montana, the fee in lieu of tax or registration fee on fleet motor vehicles, trailers, semitrailers, or pole trailers must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year.

(c) ~~Vehicles~~ Motor vehicles subject to the light vehicle registration fee as part of a fleet under this subsection (1) are not subject to the local option motor vehicle tax or flat fee imposed under 61-3-537 or 61-3-570.

(2) With respect to a renewal application for a fleet, the fee in lieu of tax and the light vehicle registration fee are imposed for a full year. The department of transportation shall prorate the new fee in lieu of tax in 61-3-529 for motor vehicles, trailers, semitrailers, or pole trailers that are proportionally registered, as provided in 61-3-721, and whose annual registration period does not coincide with the calendar year.

(3) ~~Vehicles~~ Motor vehicles, trailers, semitrailers, or pole trailers contained in a fleet for which current fees have been assessed and paid may not be assessed or charged fees under this section upon presentation to the department of proof of payment of fees for the current registration year. The payment of fleet motor vehicle, trailer, semitrailer, or pole trailer fees in lieu of tax, light vehicle registration fees, and license fees is a condition precedent to proportional registration or reregistration of an interstate motor vehicle, trailer, semitrailer, or pole trailer fleet.

(4) All fees collected on motor vehicle, trailer, semitrailer, or pole trailer fleets under this chapter must be deposited and distributed as provided in 61-3-738."

Section 153. Section 61-3-737, MCA, is amended to read:

"61-3-737. Situs in state of proportionally registered fleets -- collection of fees. (1) For the purposes of this part, any motor vehicle previously registered or that has had application for registration made under the provisions of 61-3-711 through 61-3-733 has a situs in Montana for the purposes of the light vehicle registration fee or the fee in lieu of tax.

(2) The department of transportation shall collect the fleet motor vehicle, trailer, semitrailer, or pole trailer registration fees, fees in lieu of tax, and license fees prescribed in this part."

Section 154. Section 61-4-101, MCA, is amended to read:

"61-4-101. Dealer's license -- types of licenses and terms -- plates -- bonds -- zoning. (1) Except as provided in 61-4-125, a person may not engage in the business of buying, selling, exchanging, accepting on

consignment, or acting as a broker of a new motor vehicle or used motor vehicle, new or used recreational vehicle, motor home, trailer (except a trailer having an unloaded weight of less than 500 pounds), travel trailer, semitrailer, pole trailer, motorcycle, quadricycle, or special mobile equipment that is not registered in the person's name, unless the person is the holder of a dealer's license issued by the department under this part.

(2) (a) The department is authorized to issue a dealer's license for one or more specified vehicle types to any person it determines is qualified to hold a license under the provisions of this section. A dealer's license may be issued for, and restricted to, one or more of the following vehicle types:

(i) new motor vehicle;

(ii) used motor vehicle;

(iii) new recreational vehicle, motor home, or travel trailer;

(iv) used recreational vehicle, motor home, or travel trailer;

(v) trailer, semitrailer, pole trailer, or special mobile equipment; or

(vi) motorcycle or quadricycle.

(b) The department shall design and issue dealer and demonstrator plates as provided in 61-4-102 and 61-4-129.

(c) With the exception of a licensed new motor vehicle dealer, a dealer licensed for a particular type of vehicle may sell, trade, or accept on consignment only vehicles of the type for which the license is authorized, unless the dealer's license specifically refers to more than one vehicle type, such as a motorcycle or quadricycle license. A new motor vehicle dealer is authorized to sell, trade, or accept on consignment new motor vehicles or used motor vehicles.

(d) Subject to the provisions of 61-4-124, a dealer's license issued by the department is valid until:

(i) voluntarily returned to the department for surrender and cancellation upon the cessation of the dealer's business operations; or

(ii) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor vehicles.

(3) (a) An applicant for a dealer's license shall submit a written application for a dealer's license to the department, specifying the type or types of dealer's license sought. The application must be signed by the applicant and contain a verification by the applicant, under penalty of law, that the information contained in the application is true and correct. Any information provided in the license application process is subject to independent verification by the department or an authorized representative of the department.

(b) After examining a license application and conducting an investigation necessary to verify the information contained in the application and if the department is satisfied that the applicant qualifies for the issuance of a license under the provisions of this chapter, the department may issue the license. The department may refuse,

after examination and investigation, to issue a license to an applicant who is not qualified for licensure or whose prior financial or other activities or criminal record, as determined by the department:

(i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

(ii) poses a threat to the public interest of the state; or

(iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed dealership, wholesaler, or auto auction.

(4) To be qualified for licensure as a dealer, an applicant shall provide to the department the following:

(a) the name under which the applicant intends to conduct business and the name, address, date of birth, and social security number of any person who possesses or will possess an ownership interest in the business for which the license is sought. If the applicant is a corporation, the personal information required in this subsection (4)(a) must be provided for each corporate officer and the person designated by the corporation to manage or oversee the dealership.

(b) for each person subject to the provisions of subsection (4)(a), information concerning whether the person has:

(i) an ownership interest in a vehicle dealership or a wholesaler business in Montana or another jurisdiction and, if so, the name and address of each dealership or wholesaler; and

(ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

(c) the name, address, and telephone number of the insurance carrier from whom the applicant has acquired general liability insurance, naming the department as a certificate holder of the policy, and the name, address, and telephone number of the local insurance agent for the carrier and the applicant's policy number. The insurance must cover any vehicle bearing dealer or demonstrator license plates that is offered for demonstration or loan to~~,~~ a customer or otherwise operated by~~,~~ a customer in the regular course of the applicant's business and must be for a minimum of 1 year;

(d) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale and of a permanent nonresidential building that will be maintained to store the actual physical or electronic records resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is sought. An applicant may use more than one location to display vehicles for sale if the maximum distance between each display lot does not exceed 200 feet and if the distance between a display lot and the building in which vehicle sales records are stored does not exceed 1,000 feet.

(e) for each geographic location specified in the application, evidence of the applicant's compliance with applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of

compliance may be documented by means of a written verification of compliance signed by the authorized representative of the local land use planning or zoning board or the local ~~business-permitting~~ business-permitting agency.

(f) a diagram or plat showing the geographic location, lot dimensions, and building and sign placement for the applicant's proposed established place of business, along with two or more photographs of the geographic location, building premises, and sign, as prescribed by the department;

(g) a certification by the applicant that the applicant is a bona fide dealer in new motor vehicles, used motor vehicles, used recreational vehicles, motor homes, travel trailers, trailers, semitrailers, pole trailers, motorcycles, quadricycles, or special mobile equipment;

(h) if the applicant is seeking a new motor vehicle dealer's license:

(i) the name and address of the manufacturer, importer, or distributor with whom the applicant has a written new motor vehicle franchise or sales agreement and the name and make of all motor vehicles to be handled by the applicant;

(ii) the geographic location or locations, specified in writing, upon which the applicant will provide and maintain a permanent building to display and sell new motor vehicles and offer and maintain a bona fide service department for the repair, service, and maintenance of the motor vehicles; and

(iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter; and

(i) if the applicant is applying for a new recreational vehicle dealer's license, new travel trailer dealer's license, or new motor home dealer's license, certification that the person is recognized by a manufacturer, importer, or distributor as a dealer in new recreational vehicles, new motor homes, or new travel trailers.

(5) If an applicant for a new motor vehicle or used motor vehicle, new or used recreational vehicle, new or used motor home, new or used travel trailer, or trailer dealer's license wants to maintain more than one established place of business, the applicant shall file a separate license application for each proposed place of business and otherwise qualify for licensure at each place separately.

(6) Each application under this section must be accompanied by an application fee of $5 and one or more of the following license fees based on the type of dealer's license being sought:

(a) $25 for a new motor vehicle dealer's license;

(b) $25 for a used motor vehicle dealer's license;

(c) $25 for a new or used recreational vehicle, motor home, or travel trailer dealer's license; or

(d) $25 for a motorcycle or trailer, semitrailer, or pole trailer dealer's license.

(7) The applicant for a dealer's license shall also file with the application a bond of $50,000 for a license as a new motor vehicle dealer, a used motor vehicle dealer, a new or used recreational vehicle, motor home, or travel trailer dealer, or a trailer dealer. Applicants for a motorcycle dealer's license shall file a bond in the sum of

$15,000. All bonds must be conditioned that the applicant shall conduct the business in accordance with the requirements of the law. The bond may extend to any other type of dealer license issued to the applicant at the same geographic location if all types of licenses are indicated on the face of the bond. All bonds must be approved by the department, must be filed in its office, and must be renewed annually."

Section 155. Section 61-4-102, MCA, is amended to read:

"61-4-102. Dealer's license numbers -- assignment, numbering, and limitation of dealer plates -- restriction of use -- fees. (1) Upon the licensing of a dealer, the department shall assign to the dealer a distinctive serial license number as a dealer and furnish the dealer with one or more sets of numbered dealer plates in accordance with the provisions of this section.

(2) (a) Dealer plates designed by the department must be similar to the numbered plates furnished to owners of motor vehicles under 61-3-332, but they must bear:

(i) the license number assigned to the dealer;

(ii) an abbreviation for the vehicle type of the dealer's license issued, as follows:

(A) the letter "D" for a new motor vehicle dealer;

(B) the letters "UD" for a used motor vehicle dealer; or

(C) the letters "RV" for a new or used recreational vehicle, motor home, or travel trailer dealer; and

(iii) the actual number of sets of dealer plates issued to the dealer.

(b) Dealer plates may not be issued to a motorcycle or trailer dealer or a wholesaler.

(3) Dealer plates must contain the prefix of the county in which the dealer's established place of business is located, followed by the dealer's license type abbreviation, the dealer's license number, and the number of sets of dealer plates issued to that dealer. For example, new motor vehicle dealer number 4 in Lewis and Clark County would be numbered 5D-4, and if the dealer were issued three sets of dealer plates, they would be numbered consecutively as follows, 5D-4-1, 5D-4-2, and 5D-4-3.

(4) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant for a dealer's license shall pay an annual fee of $25 for each set of numbered dealer plates requested and issued.

(b) The number of dealer plates that may be issued to a dealer must be determined as follows:

(i) a dealer is entitled to one set of dealer plates upon the issuance of an original license or a renewed license;

(ii) an applicant qualified for a license renewal is entitled to additional sets of numbered plates based on the following formula:

(A) 5% of the first 100 motor vehicle sales for the previous year; plus

(B) 3% of the next 100 motor vehicle sales for the previous year; plus

(C) 2% of motor vehicle sales in excess of 200 for the previous year; and

(iii) a dealer is entitled to additional sets of dealer plates during a license term as the dealer's sales incrementally meet or exceed the requirements of the formula established in subsection (4)(b)(ii). However, the aggregate number of sets of dealer plates issued to a dealer under this subsection (4)(b)(iii) may not exceed the combined number allowed under subsections (4)(b)(i) and (4)(b)(ii).

(5) (a) A dealer is authorized to use and display dealer plates on a motor vehicle held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the dealer's spouse, officers, or employees.

(b) For purposes of this subsection (5):

(i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement or the importer's distribution agreement and the term "employees" means persons upon whom the dealer has paid social security taxes as a full-time employee; and

(ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a motor vehicle bearing dealer plates is prima facie evidence that the motor vehicle is offered for bona fide sale by the dealer.

(6) Dealer plates may not be used or displayed on motor vehicles used for hire, lease, or rental.

(7) (a) A dealer is accountable for each set of numbered dealer plates issued and, except as provided in subsection (7)(b), shall file an annual report with the department certifying the disposition of each set of dealer plates assigned to the dealer and specifying the name, address, and occupation of the person primarily using each set of plates.

(b) Upon reassignment of one or more sets of dealer plates to another person, within 15 days of the reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the name, address, and occupation of the person to whom the plates were assigned.

(8) (a) All numbered dealer plates expire on December 31 of the year of issue and must be renewed annually.

(b) A dealer who files the annual report required under 61-4-124 on or before December 31 of the calendar year may display or use dealer plates assigned and registered for the prior calendar year through the last day of February of the following year, as provided in 61-4-124(5)."

Section 156. Section 61-4-104, MCA, is amended to read:

"61-4-104. Record of purchase or sale. (1) (a) A dealer or wholesaler licensed under 61-4-101 shall keep a book or record of the purchases, sales or exchanges, or receipts for the purpose of sale of used vehicles and a description of the vehicles, together with the date of purchase, sale, or consignment and the name and address of:

(i) the person from whom the dealer or wholesaler acquired the vehicle's ownership or, if consigned,

possessory interest in the vehicle;

(ii) the person to whom the dealer or wholesaler assigned the vehicle; and

(iii) a secured party with a perfected security interest in the vehicle to which the dealer or wholesaler's interest is subordinate, if any.

(b) The vehicle description must also include the vehicle identification number and engine number, if any, and must include a statement that a number has been obliterated, defaced, or changed if that has occurred. In the case of a trailer, semitrailer, pole trailer, or special mobile equipment, the record must include the manufacturer's number and other numbers or identification marks that appear on the trailer, semitrailer, pole trailer, or special mobile equipment.

(2) The dealer or wholesaler must also have an assigned certificate of ownership or certificate of title from the owner of the motor vehicle to the dealer or wholesaler from the time the motor vehicle is delivered to the dealer or wholesaler until it has been disposed of by the dealer or wholesaler. It is a violation of this part for a dealer or wholesaler to fail to take assignment of all certificates of ownership, certificates of title, or manufacturer's certificates of origin for motor vehicles acquired by the licensee or to fail to assign the certificate of ownership, certificate of title, or manufacturer's certificate of origin for motor vehicles sold.

(3) All records required to be kept in accordance with this section, in addition to the required retention of odometer disclosure information under 61-3-206(4), must be physically located and maintained within the building referred to in 61-4-101. An authorized representative of the department, upon presentation of the representative's credentials, may inspect and have access to and copy any records required under this chapter."

Section 157. Section 61-4-109, MCA, is amended to read:

"61-4-109. Privileges incident to license -- withdrawal upon certain conditions. (1) The privileges of a dealer licensed under the provisions of this part to use and display a set of dealer plates or a demonstrator plate on a motor vehicle held for sale by the dealer and to issue a 20-day permit, under the authority of 61-4-111 or 61-4-112, upon the sale of a motor vehicle by the dealer are specifically conditioned on the dealer's satisfaction of the bond requirements of 61-4-101(7) and the general liability insurance coverage requirements of 61-4-123, without interruption or lapse.

(2) If the department is notified or determines that a dealer's bond or general liability insurance has lapsed or been canceled, all dealer plates, demonstrator plates, and 20-day permits assigned or issued to the dealer are subject to immediate withdrawal and confiscation, upon demand, by the department or by a compliance specialist on behalf of the department and may not be returned to the dealer until the bond and general liability insurance requirements have been satisfied.

(3) A dealer whose privileges are withdrawn under this section may otherwise engage in the dealer's

business operations during the period of withdrawal.

(4) If the lapse of bond or general liability insurance is not corrected with 30 days, the department may initiate administrative action to suspend or revoke the dealer's license under 61-4-105(2)."

Section 158. Section 61-4-110, MCA, is amended to read:

"61-4-110. Obligation of dealer to pay off liens on motor vehicles accepted in trade or consignment -- duties of dealer and secured party. (1) (a) If a dealer accepts a motor vehicle in trade from a retail customer as part of the sale of another motor vehicle and there is an outstanding loan balance owing on the traded motor vehicle, the dealer shall remit payment to the secured party to whom the balance on the traded motor vehicle is owed in an amount sufficient to satisfy the perfected security interest on the traded motor vehicle by the earlier of the following dates:

(i) 21 days from the date of acceptance of the motor vehicle in trade; or

(ii) 15 days from the date of the receipt by the dealer of payment in full from the sale of the traded motor vehicle.

(b) If a dealer accepts a motor vehicle from an owner for sale upon consignment and there is an outstanding loan balance owing on the consigned motor vehicle, the dealer shall remit payment to the secured party to whom the balance on the consigned motor vehicle is owed in an amount sufficient to satisfy the perfected security interest on the consigned motor vehicle within 15 days from the date of the receipt by the dealer of payment in full for sale of the consigned motor vehicle.

(2) A secured party who has been paid in full by a dealer in accordance with the terms of this section shall forward to the department a properly executed release within:

(a) 15 business days after the business day on which the funds are received when the funds are in cash, cashier's check, certified check, teller's check, or other certified source of funds;

(b) 18 business days after the business day on which the funds are received when the funds are in the form of a check drawn on a local originating depository institution; or

(c) 21 business days after the business day on which the funds are received when the funds are in the form of a check drawn on a nonlocal originating depository institution.

(3) For purposes of this section, "business day" means a weekday, excluding any weekday upon which a legal holiday falls."

Section 159. Section 61-4-111, MCA, is amended to read:

"61-4-111. Used motor vehicles -- transfer to and from dealers. (1) Except as provided in 61-4-124(6), a licensed dealer, broker, or wholesaler who intends to resell a used motor vehicle or trailer and who operates the

motor vehicle or trailer only for demonstration purposes:

(a) is exempt from registration under 61-3-201(2) when applying for a certificate of title; and

(b) may transfer or receive ownership of a motor vehicle or trailer by use of a dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment sections on a certificate of title has been completed, ownership of the motor vehicle or trailer may not be transferred until an application for a certificate of title has been submitted by the dealer to the department and a new certificate of title has been issued.

(2) Upon the transfer of a used motor vehicle or trailer to a person other than a licensed dealer, broker, or wholesaler, the following acts are required of the dealer on or before the times set forth in this subsection:

(a) Prior to delivery of the motor vehicle or trailer to the purchaser, the dealer shall issue a temporary registration permit for the motor vehicle or trailer and affix the temporary registration permit to the motor vehicle or trailer in a manner prescribed by the department. The temporary registration permit issued by the dealer is valid for 20 days from the date of issuance. There must be imprinted on the temporary registration permit in bold letters the following statement: "IT IS UNLAWFUL TO PLACE LICENSE PLATES UPON THIS MOTOR VEHICLE (OR TRAILER) UNTIL REGISTERED AT THE OFFICE OF THE COUNTY TREASURER". Unless a durable license plate style placard is issued, one copy of the temporary registration permit must be delivered by the dealer to the county treasurer in the manner prescribed in subsection (2)(b)~~,~~ and a copy must be retained by the dealer for the dealer's file. If a durable placard is issued, the dealer shall create and retain the relevant records as prescribed by the department. It is unlawful for the dealer to issue more than one 20-day temporary registration permit for each motor vehicle or trailer sale.

(b) Within 4 working days following the date of delivery of the motor vehicle or trailer, the dealer shall forward to the county treasurer of the county where the purchaser resides:

(i) the assigned certificate of title or, if a certificate of title for the motor vehicle or trailer has not been issued in this state, a copy of the then-current registration receipt or certificate in the dealer's possession;

(ii) an application for a certificate of title executed by the new owner in accordance with the provisions of 61-3-221 and 61-3-322; and

(iii) a copy of the temporary registration permit affixed to the motor vehicle or trailer by the dealer.

(c) Transmission of the documents by the dealer to the county treasurer may be accomplished either by personal delivery or by first-class mail, in which event they are considered to have been delivered at the time of mailing.

(d) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the time set forth in subsection (2)(b) because the certificate of title or registration receipt is lost, is in the possession of third parties, or is in the process of reissuance in this state or elsewhere, the dealer shall comply in all other

respects with the provisions of subsection (2)(b) and shall forward the missing document or documents to the county treasurer, either personally or by first-class mail, within 3 days after receipt.

(3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle or trailer is considered to have passed to the purchaser as of the date of the delivery of the motor vehicle or trailer to the purchaser by the dealer~~,~~ and the dealer has no further liability or responsibility with respect to the processing of registration.

(4) Upon receipt from the county treasurer of the documents required under subsection (2), the department shall:

(a) update the electronic record of the title maintained by the department under 61-3-101; or

(b) issue a certificate of title if requested under 61-3-216(2)(f); and

(c) comply with the applicable provisions of Title 61, chapter 3, parts 1 through 3.

~~(5) For purposes of this section, "motor vehicle" includes a trailer as defined in 61-1-111.~~"

Section 160. Section 61-4-112, MCA, is amended to read:

"61-4-112. New motor vehicles -- transfers by dealers. (1) When a motor vehicle dealer transfers a new motor vehicle to a purchaser or other recipient, the dealer shall:

(a) issue and affix a temporary registration permit, as prescribed in 61-4-111(2)(a), for transfers of used motor vehicles and retain a copy of the temporary registration permit or, if a durable license-plate style placard is issued, affix the placard and create and retain all other relevant records prescribed by the department;

(b) within 4 working days following the date of delivery of the new motor vehicle, forward to the county treasurer of the county where the purchaser or recipient resides:

(i) one copy of the temporary registration permit issued under subsection (1)(a) or a copy of the information described in the records concerning a placard;

(ii) an application for a certificate of title with a notice of security interest, if any, executed by the purchaser or recipient; and

(iii) a manufacturer's certificate of origin that shows that the motor vehicle has not previously been registered or owned, except as otherwise provided in this section, by any person other than a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.

(2) Upon receipt from the county treasurer of the documents required under subsection (1), the department shall issue a certificate of title if requested under 61-3-216(2)(f) and otherwise comply with the provisions of Title 61, chapter 3, parts 1 through 3, as applicable."

Section 161. Section 61-4-113, MCA, is amended to read:

"61-4-113. New motor vehicles towed into state to be labeled. (1) Any firm, person, corporation, or association or any of ~~their~~ its employees offering for sale or carrying on the business of selling new motor vehicles in the state of Montana ~~shall be~~ is required to prominently label any motor vehicle ~~which~~ that has been driven under its own power, pushed, towed, or propelled by any other means to sufficiently identify it from other new motor vehicles that have not been driven, pushed, or towed and ~~shall be~~ is required to furnish the purchaser of ~~any such~~ the motor vehicle with a certificate, on a printed form to be furnished by the department upon request by ~~such~~ the dealers, showing the actual number of miles the motor vehicle has been driven under its own power and the number of miles the motor vehicle has been pushed, towed, or otherwise propelled upon its own wheels. Any firm, person, corporation, or association or any of ~~their~~ its employees who ~~fails~~ fail to prominently label and issue the certificate or who knowingly issue a certificate that is untrue and calculated to mislead the purchaser ~~is~~ are guilty of a misdemeanor.

(2) The provisions of this section do not apply to motor vehicles during the period of time that ~~such~~ the motor vehicles are used for bona fide demonstrating purposes."

Section 162. Section 61-4-120, MCA, is amended to read:

"61-4-120. Application for auto auction license -- general regulations. (1) A person that takes possession of a motor vehicle owned by another person through consignment, bailment, or any other arrangement for the purpose of selling the motor vehicle to the highest bidder when all buyers are licensed motor vehicle dealers, wholesalers, or wrecking facilities shall file by mail or otherwise in the office of the department a verified application for licensure as an auto auction. The application must be made in the following manner:

(a) Each application and all of the information contained in it must be verified by the department or an authorized representative of the department on a form to be furnished by the department for that purpose. The application must provide the following information:

(i) the name in which the business is to be conducted and the location of premises, including street address, city, county, and state, where records are kept, sales are made, and motor vehicle stock is displayed as an established place of business that displays a sign indicating the firm name and that motor vehicles are offered for sale. The letters on the sign must be clearly visible and readable to the major avenue of traffic at a minimum distance of 150 feet.

(ii) the name and address of all owners or persons having an interest in the business. In the case of a corporation, the names and addresses of the president and secretary are sufficient.

(iii) a statement that the applicant is authorized to auction used motor vehicles, recreational vehicles, trailers, semitrailers, special mobile equipment, motorcycles, and quadricycles under one license. A licensed auto

auction may not auction a new motor vehicle except when authorized by a new motor vehicle manufacturer, importer, distributor, or representative, for the purpose of conducting a closed-factory fleet sale to dispose of new motor vehicles by the franchisor (manufacturer, distributor, or importer) to franchisee purchasers when the purchasers are licensed new motor vehicle dealers purchasing new motor vehicle line-makes authorized by their respective franchise, sales, or distributor agreements. An auto auction licensed under the provisions of this section shall notify and update the department with current fleet sale agreements between the auto auction and franchisor. An auto auction may not conduct a factory fleet sale unless authorized or appointed by a franchisor licensed under part 2 of this chapter.

(b) Each application must be accompanied by a bond of $50,000 and must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. All bonds must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(2) An auto auction's license must be renewed and paid for annually to the department, and an application for relicensure must be filed by January 1 of each year. The fee required for each first-time applicant is $500 and for subsequent renewal applications is $100 each year. Upon receipt of a properly completed application, fee, and bond, the department shall issue the auto auction license and assign an auto auction license number for each applicant in a manner determined by the department. Auto auctions dealing in motor vehicles may sell only to licensed dealers and wholesalers.

(3) Auto auctions that are licensed under this section and that hold a current license number may issue temporary registration permits, which may be displayed and used by a buyer to operate an unregistered motor vehicle purchased from the auto auction. The temporary registration permit is valid for a period of 72 hours from the time of purchase and may be used only for the purpose of driving or transporting a motor vehicle from the auction premises to the purchaser's established place of business or point of destination. Temporary registration permits must be on a form prescribed by the department and must contain the name, address, and license number of the purchaser, the date of sale, the name, address, license number, and authorized signature of the auto auction, and a description of the motor vehicle, including its serial number. The department shall collect a fee of $10 from the auto auction for each temporary registration permit, and the auto auction may charge a motor vehicle purchaser no more than $10 for the issuance of each temporary registration permit to offset the cost of the temporary registration permit. It is unlawful for the auto auction to issue more than one temporary registration permit for each motor vehicle sale.

(4) A licensed auto auction may apply for and may be authorized by the department to purchase and use license plates of a type and amount approved by the department, upon payment of a fee to the department to offset the cost of production. Licensed auto auctions may use the license plates to transport inventory motor vehicles to and from a point of storage or a point of delivery in this state and to and from the auto auction's place

of business, for road testing authorized motor vehicles, or for moving motor vehicles for purposes of repairing, painting, upholstering, polishing, and related activities. One license plate is required to be conspicuously displayed on the rear of the motor vehicle. Auto auctions may appoint designated persons, service stations, or repair garages to use the license plate only when conducting work for the auto auction involving repairing, painting, upholstering, polishing, or performing similar types of work upon a motor vehicle. Upon application for an auto auction license, the applicant, if requesting the license plates, shall submit a sworn affidavit on a form prescribed by the department, listing each authorized person designated by the auction to use the license plates. The auto auction is responsible for reporting any changes to the affidavit within 72 hours after the amendment has occurred. An auto auction licensed under the provisions of this section is liable for the proper use of the license plates, which may not be used for private purposes. The department may revoke an auto auction's 72-hour temporary registration permit and license plate privileges if an auction issues, authorizes the use of, or uses a temporary registration permit or the license plate in violation of the provisions of this section.

(5) (a) Each auto auction shall keep a book or record, in a form and manner subject to approval by the department, of the purchases, sales, or exchanges or the receipts for the purpose of sale of any motor vehicle, a properly completed copy of a temporary registration permit issued to a motor vehicle purchaser, the date of title transfer, and a description of the motor vehicle, together with the name and address of the seller, the purchaser, and the alleged owner or other person from whom the motor vehicle was purchased or received or to whom it was sold or delivered. The description in the case of a motor vehicle must include:

(i) the vehicle identification number and engine number, if any; and

(ii) a statement that a number has been obliterated, defaced, or changed, if it has.

(b) An auto auction licensed under this section shall validate the sale of a motor vehicle through its auction by stamping its name and license number upon the certificate of title at a location on the certificate of title, at the margin in the assignment section as executed between the transferor and transferee. An auto auction's stamp must be legible and may not interfere with the information recorded on the certificate of title between the transferor and transferee. If the certificate of title lacks adequate space for the auto auction to place its stamp, the auction may provide the transferee a copy of the auction invoice bearing the:

(i) name and license number of the auction, along with an indication of the motor vehicle year, make, model, and identification number;

(ii) name, address, and signature of the transferor;

(iii) name, license number, and signature of the transferee; and

(iv) date the motor vehicle was sold through the auction.

(c) The invoice must be attached to the certificate of title and must be presented to the department with any application for title.

(d) An auto auction shall retain, for 5 years, odometer disclosure information, including the name of the owner on the date the auto auction took possession of the motor vehicle, the name of the buyer, the vehicle identification number, and the odometer reading on the date the auto auction took possession of the motor vehicle. The odometer information may be retained in any way that is systematically retrievable and is not required to be maintained on any special disclosure form. The information may be part of the auction receipt or invoice or be maintained as a portion of a computer database or manual file. An auto auction that executes a transfer of ownership as an agent on behalf of a seller or buyer is liable for providing an odometer disclosure statement for the seller or an odometer disclosure acknowledgment for the buyer under the provisions of 61-3-206."

Section 163. Section 61-4-121, MCA, is amended to read:

"61-4-121. Twenty-day temporary registration permit -- limitation on issuance and transfer -- violation -- penalty. (1) (a) A dealer may not issue more than one 20-day temporary registration permit under 61-4-111 or 61-4-112 for each motor vehicle sale.

(b) A dealer may not transfer 20-day temporary registration permits to another dealer unless the dealer:

(i) notifies the department within 3 days of the transfer;

(ii) identifies to the department the dealer to whom any temporary registration permits have been transferred;

(iii) informs the department of the date of the transfer and the quantity and serial numbers of the transferred temporary registration permits.

(2) A dealer who violates the provisions of subsection (1) is subject to revocation of the privilege to issue 20-day temporary registration permits for a period of time determined by the department."

Section 164. Section 61-4-122, MCA, is amended to read:

"61-4-122. Compliance specialists as peace officers. (1) The department may designate and train civilian employees as compliance specialists within the motor vehicle division. Each compliance specialist is a peace officer whose jurisdiction is limited to enforcement of violations of Title 61, chapter 3, parts 1, 2, 3, 4, and 6, and chapter 4.

(2) As a peace officer, a trained compliance specialist may:

(a) issue citations and make arrests;

(b) issue summonses;

(c) accept bail;

(d) serve warrants of arrest;

(e) make reasonable inspections of a dealer's established place of business and motor vehicle inventory;

and

(f) require production of documents relating to the sale, purchase, exchange, or consignment of any motor vehicle currently or previously in a dealer's inventory or displayed for sale by the dealer or relating to any obligation imposed on a dealer under this title.

(3) For purposes of this section, the term "dealer" includes a dealer of any motor vehicle type, a wholesaler, or an auto auction, any of which is subject to licensure by the department under this chapter."

Section 165. Section 61-4-123, MCA, is amended to read:

"61-4-123. Dealer requirements and restrictions. (1) A dealer may not offer for sale, trade, or consignment any motor vehicle type not authorized by the license issued to the dealer by the department or use a dealer or demonstrator plate on a motor vehicle of a type for which the dealer is not licensed.

(2) A dealer may not display at the dealer's established place of business or any approved off-premises sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label required for new motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor vehicles pursuant to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously displayed within the motor vehicle in a fashion that is readily readable by a customer.

(3) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle offered for sale at any geographic location other than that of the dealer's established place of business as listed on the dealer's license.

(4) (a) A dealer may conduct an off-premises display and sale at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if the dealer notifies the department 10 days in advance, on a form prescribed by the department, of the opening date and location of an off-premises display and sale and obtains a permit from the department. The department may require proof from the dealer that the location proposed for the off-premises display and sale is in compliance with local zoning ordinances. Except for recreational vehicle, motor home, or travel trailer dealers, an off-premises display and sale must be conducted within the county of the dealer's licensed location. The display and sale may not exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays and sales during any 1 calendar year.

(b) A dealer may display one or more motor vehicles inside an airport terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are made, or could be made, at the terminal or mall.

(c) Upon prior written notice to the department, a dealer may display one motor vehicle at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if no actual

sales are made, or could be made, at the display location and the display:

(i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes and the motor vehicle is displayed at a location where the event is being held or the program is being promoted; or

(ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly identified business entity and the motor vehicle is displayed on premises owned or leased by the other business entity and where the other entity regularly conducts its business. A display under this subsection (4)(c)(ii) may not exceed 90 days.

(5) If more than one dealer displays motor vehicles and maintains an established place of business at the same geographic location, each dealer shall ensure that all motor vehicle records, office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly identified and attributed to the appropriate dealer.

(6) A dealer shall install and maintain telephone service at the dealer's established place of business. The telephone service must be listed in the directory assistance that applies to the area in which the business is located.

(7) A dealer shall conspicuously post at the dealer's established place of business written notice indicating the regular and customary office hours maintained by the dealer.

(8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that covers any motor vehicle bearing a set of dealer plates or a demonstrator plate that is offered for demonstration or loan to~~,~~ a customer or that otherwise may be operated by~~,~~ a customer in the regular course of the dealer's business operations.

(b) A dealer ~~must~~ shall ensure that the department is named as a certificate holder on any general liability insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of insurance does not occur as a result of cancellation or termination of a previously certified policy.

(c) This subsection (8) does not relieve a dealer of the mandatory motor vehicle liability insurance obligation imposed under chapter 6 of this title.

(9) A dealer shall display at the dealer's established place of business at least one sign stating the name of the business and indicating that motor vehicles are offered for sale, trade, or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and readable to the major avenue of traffic at a minimum distance of 150 feet."

Section 166. Section 61-4-125, MCA, is amended to read:

"61-4-125. Wholesaler's license. (1) (a) The department is authorized to issue a wholesaler's license to

any person it determines is qualified to hold a license under the provisions of this section.

(b) A wholesaler is authorized to sell used motor vehicles, used recreational vehicles, used motor homes, used travel trailers, trailers, motorcycles, quadricycles, or special mobile equipment. However, a wholesaler may sell a motor vehicle, recreational vehicle, trailer, motorcycle, quadricycle, or special mobile equipment only to a dealer, an auto auction, or another wholesaler. Retail sale of motor vehicles, recreational vehicles, motor homes, travel trailers, trailers, motorcycles, quadricycles, or special mobile equipment by a wholesaler is not allowed.

(c) A wholesaler's license issued by the department has a term of 1 calendar year, commencing on or after January 1 in the year of issue and expiring on December 31 of the same year.

(d) The department shall design and issue wholesaler demonstrator plates of a similar sequence to demonstrator plates issued to dealers but that conspicuously display the term "wholesaler" or the abbreviation "W".

(2) To qualify for a wholesaler's license, an applicant shall submit a completed application, in a form prescribed by the department, that provides the following:

(a) the name under which the applicant intends to conduct business and the name, address, date of birth, and social security number of any person who possesses or will possess an ownership interest in the business for which the license is sought. If the applicant is a corporation, the personal information required in this subsection (2)(a) must be provided for each corporate officer and the person designated by the corporation to manage or oversee the dealership.

(b) for each person subject to the provisions of subsection (2)(a), information concerning whether the person has:

(i) an ownership interest in a motor vehicle dealership or wholesaler business in Montana or another jurisdiction and, if so, the name and address of each dealership or wholesaler; and

(ii) been found guilty of~~,~~ or pleaded guilty to~~,~~ a felony in this or any other jurisdiction and, if so, the applicant shall provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any judicial proceeding pertaining to the conduct and the name and address of any court in which the matter was heard;

(c) the name, address, and telephone number of the insurance carrier from whom the applicant has acquired general liability insurance, naming the department as a certificate holder under the policy, and the name, address, and telephone number of the local insurance agent for the carrier and the applicant's policy number. The insurance must cover any motor vehicle bearing a wholesaler demonstrator plate that is offered for demonstration or loan to, or otherwise operated by, a customer in the regular course of the applicant's business and must be for a minimum of 1 year.

(d) the street address of the permanent nonresidential building or office where business records will be kept and will be made available for inspection by the department; and

(e) a bond of $50,000 filed with the department on behalf of the applicant. The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must be approved by the department and subject to annual renewal.

(3) The application fee for a wholesaler's license is $5, and the license fee is $25. Both fees must accompany an original or renewal wholesaler's license application.

(4) Wholesalers may not be issued or use dealer plates, as provided in 61-4-102. However, a wholesaler may be issued and is authorized to display and use a wholesaler demonstrator plate on any type of motor vehicle that a wholesaler is authorized to sell. The fee for a wholesaler demonstrator plate is $5. To the extent not inconsistent with this section, use of wholesaler demonstrator plates is otherwise governed by 61-4-129.

(5) (a) A wholesaler's license must be renewed annually, and application for renewal must be filed on or before December 31 of the expiring license term.

(b) To qualify for renewal of a wholesaler's license, a wholesaler shall submit a completed application, in a form prescribed by the department, updating prior submitted information, as originally supplied under subsection (2).

(c) Additionally, the wholesaler shall certify, under penalty of law, that 12 or more motor vehicles of the type authorized under the license were sold by the wholesaler to a dealer, auto auction, or another wholesaler during the expiring license term. A wholesaler who was licensed for less than a full calendar year in the expiring term shall certify, under penalty of law, to the sale of an average of at least one motor vehicle a calendar month~~,~~ or portion of a calendar month~~,~~ during which the expiring license was in effect.

(d) A wholesaler who cannot, under penalty of law, certify the number of motor vehicle sales required under subsection (5)(c) shall pay a fee of $25 in addition to the fees required in subsection (3).

(6) A wholesaler whose completed renewal application has been received by the department on or before December 31 of the expiring license term may, if necessary, operate the business and display wholesaler demonstrator plates under the expired license through the last day of February of the following year."

Section 167. Section 61-4-129, MCA, is amended to read:

"61-4-129. Assignment of demonstrator plates. (1) A dealer or wholesaler may purchase demonstrator plates at a fee of $5 a plate. Demonstrator plates must be issued for each motor vehicle type for which a dealer's license is required under 61-4-102. Demonstrator plates must be designed by the department in a manner that distinguishes demonstrator plates from dealer plates.

(2) (a) New and used motor vehicle, ~~or~~ recreational vehicle, motor home, or travel trailer demonstrator plates

may be used on a vehicle displaying a Monroney label or a buyer's guide label, as required by 61-4-123(2), that is:

(i) being demonstrated and offered for sale, for not more than 72 hours when operated by an individual holding a valid operator's license;

(ii) owned by the dealership when operated by an officer or bona fide full-time employee of the dealer or wholesaler and used to transport the dealer's or wholesaler's own tools, parts, and equipment;

(iii) being tested for repair;

(iv) being moved to or from a dealer's place of business for sale;

(v) being moved to or from service and repair facilities before sale; and

(vi) being moved to or from exhibitions within the state, provided the exhibition does not exceed a period of 20 days.

(b) Mobile home and trailer demonstrator plates may be used:

(i) on units being hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer;

(ii) on mobile homes being hauled to a customer's location for setup after sale;

(iii) on travel trailers held for sale to demonstrate the towing capability of the motor vehicle, provided that a dated demonstration permit, valid for not more than 72 hours, is carried with the motor vehicle at all times;

(iv) on any motor vehicle owned by the dealer that is used only to move ~~vehicles~~ mobile homes and travel trailers legally bearing mobile home and travel trailer dealer's license plates of the dealer owning the motor vehicle; and

(v) on units being moved to or from exhibitions within the state, provided the exhibition does not exceed a period of 20 days.

(c) A motor vehicle being operated in accordance with this subsection (2) need only display one demonstrator plate conspicuously on the rear of the motor vehicle.

(3) A dealer who files the annual report required under 61-4-124 on or before December 31 of the calendar year may display or use demonstrator plates assigned and registered for the calendar year through the last day of February of the following year, as provided in 61-4-124(5)."

Section 168. Section 61-4-131, MCA, is amended to read:

"61-4-131. Definitions. As used in ~~61-4-131 through 61-4-137, 61-4-141, and 61-4-150~~ this part, the following definitions apply:

(1) "Broker" means a person engaged in the business of offering to procure or procuring motor vehicles or who represents to the public through solicitation, advertisement, or otherwise that the person is one who offers

to procure or procures motor vehicles by negotiating purchases, contracts, sales, or exchanges and who does not store, display, or take ownership of any vehicles for the purpose of selling vehicles.

~~(1)~~(2) "Dealer" includes a new motor vehicle dealer as defined in 61-4-201.

~~(2)~~(3) (a) "Designated family member" means the spouse, child, grandchild, parent, brother, or sister of a dealer who:

(i) in the case of a deceased dealer:

(A) is entitled to inherit the dealer's ownership interest in the dealership under the terms of the dealer's will or under the laws of intestate succession of this state; or

(B) has otherwise been designated in writing by a deceased dealer to succeed the deceased in the motor vehicle dealership; or

(ii) in the case of an incapacitated dealer, has been appointed by a court as the legal representative of the dealer's property.

(b) The term includes the appointed and qualified personal representative and the testamentary trustee of a deceased dealer.

(4) (a) "Established place of business" means the geographic location upon which a permanent building is located that is actually occupied either continuously or at regular periods by a dealer. A building is actually occupied by a dealer if the dealer's books and records are kept in the building and, except for approved off-premises sales, the dealer's business is transacted within the building.

(b) A dealer's established place of business may also include the geographic location of one or more physical lots upon which vehicles are displayed for sale, as long as the requirements of 61-4-101(4)(d) regulating the distance between display lots and the record keeping building are met.

(c) The geographic location of the permanent building actually occupied by the dealer or the geographic location of the physical lots upon which vehicles are displayed for sale may be identified by street address, legal description, or other reasonably identifiable description, as prescribed by the department.

~~(3) "Motor vehicle" has the same meaning as provided in 61-4-201.~~

~~(4) "New motor vehicle" has the same meaning as provided in 61-4-201.~~

(5) "Parking", when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

(6) "Trailer dealer" means any person, firm, or corporation engaged in whole or in part in the business of buying or selling trailers or semitrailers, with facilities for displaying one or more trailers or semitrailers."

Section 169. Section 61-4-141, MCA, is amended to read:

"61-4-141. Manufacturer's right of first refusal. (1) Regardless of the terms of any franchise agreement,

in the event of a proposed sale or transfer of a dealership, the manufacturer or distributor may exercise a right of first refusal to acquire the new motor vehicle dealer's assets or ownership. This may occur if the sale or transfer is conditioned upon either the manufacturer or dealer entering into a dealer agreement with the proposed new owner or transferee if all the following requirements are met:

(a) the manufacturer or distributor notifies the dealer in writing of the manufacturer's or dealer's intent to exercise the right of first refusal within 60 days of receipt of the dealer's written proposal for sale or transfer;

(b) the dealer and the dealer's owner receive the same or greater consideration as they have contracted to receive in connection with the proposed change of ownership or transfer;

(c) the proposed sale or transfer of the dealership's assets does not involve the transfer or sale to a member or members of the family of one or more dealer owners or to a qualified manager, partnership, or corporation controlled by a member of the family of a dealer owner; and

(d) the manufacturer or distributor agrees to pay reasonable costs and attorney fees relative to the proposed changes in ownership or transfer of dealership assets. In order for costs and fees to be payable, the dealer shall submit an accounting of the expenses within 20 days of the dealer's receipt of the manufacturer's or distributor's written request for the accounting. The manufacturer or distributor may request the accounting before exercising the manufacturer's or distributor's right of first refusal.

(2) This section does not affect any contractual right of a manufacturer or distributor to charge back to the dealer's account any amount previously credited or paid as a discount incident to the dealer's purchase of the motor vehicles."

Section 170. Section 61-4-143, MCA, is amended to read:

"61-4-143. Unlawful curbstoning of vehicle for sale. (1) Except as provided in 61-4-123, a person may not display or park a motor vehicle offered or posted for sale on real property in which the person does not have a legal interest if the primary purpose of displaying or parking the vehicle on the property is to promote or effect the sale of the vehicle.

(2) This section does not prohibit the display or parking of a motor vehicle offered or posted for sale when:

(a) the display or parking of the motor vehicle is incidental to actual operation and immediate use of the motor vehicle by the motor vehicle owner;

(b) the motor vehicle owner obtains the written consent of the real property owner, lessee, or agent of the owner or lessee on whose property the motor vehicle is displayed and posts the written consent or a copy of the written consent in the front or rear window of the motor vehicle; or

(c) unless otherwise prohibited by local ordinance, the motor vehicle is displayed on a public street that is adjacent to real property in which the person offering the motor vehicle for sale has a legal interest.

(3) A person who violates subsection (1):

(a) is subject to a written warning for the first violation; and

(b) for a second or subsequent violation, is guilty of a misdemeanor and upon conviction may be fined an amount not less than $250 and not more than $500.

(4) Each violation of subsection (1) is considered a separate offense."

Section 171. Section 61-4-202, MCA, is amended to read:

"61-4-202. License requirements -- fee exemption. (1) A new motor vehicle dealer, manufacturer, distributor, factory branch, distributor branch, importer, or franchiser may not engage in business in Montana except in accordance with the requirements of this part. The provisions of this part do not apply to a public officer engaged in the discharge of official duties or to a trustee, receiver, or other officer acting under the jurisdiction of a court, to financial institutions disposing of repossessed vehicles, or to a person disposing of a personal motor vehicle. The provisions of this part regulating and licensing new motor vehicle dealers, manufacturers, distributors, factory branches, distributor branches, importers, and franchisors apply only to those new motor vehicle dealers, manufacturers, distributors, factory branches, distributor branches, importers, and franchisors of motor vehicles as defined by this part.

(2) (a) A manufacturer, distributor, factory branch, distributor branch, importer, or franchisor transacting business within Montana by offering, selling, trading, consigning, or otherwise transferring a new motor vehicle to a new motor vehicle dealer must be licensed by the state of Montana. The department shall issue licenses to qualified applicants upon receipt of a license fee in the amount of $15 accompanied by the information required in this section.

(b) A manufacturer, distributor, factory branch, distributor branch, importer, or franchisor of a personal watercraft ~~as defined in 23-2-502~~, a snowmobile ~~as defined in 23-2-601~~, or an off-highway vehicle ~~as defined in 23-2-801~~ is not required to pay the $15 fee required in subsection (2)(a).

(3) The following information, if applicable, must be submitted by an applicant upon forms supplied by the department:

(a) the name and address of the applicant;

(b) the make and model of each new motor vehicle to be franchised;

(c) the name and address of each of the applicant's franchisees within the state; and

(d) the name and address of each factory branch, distributor branch, agent, or representative within the state.

(4) (a) Except as provided in subsection (4)(b), a license may be renewed each year if the applicant is in compliance with the provisions of this part, remits a renewal fee in the amount of $15, and notifies the

department of any changes in the information previously supplied.

(b) A manufacturer, distributor, factory branch, distributor branch, importer, or franchisor of a personal watercraft ~~as defined in 23-2-502~~, a snowmobile ~~as defined in 23-2-601~~, or an off-highway vehicle ~~as defined in 23-2-801~~ is not required to pay the $15 fee required in subsection (4)(a) but is required to annually apply to renew its license on a form provided by the department.

(5) (a) A new motor vehicle may not be sold in this state unless either the manufacturer on direct dealership of domestic motor vehicles, the importer of foreign manufactured motor vehicles on direct dealership, or the distributor on indirect dealerships of either domestic or foreign motor vehicles is licensed as provided in this part.

(b) Notwithstanding any other licensing provision contained in Montana law, every new motor vehicle dealer shall obtain a license under part 1 of this chapter.

(c) The obtaining of a license under this part or Title 61, chapter 4, part 1 conclusively establishes that a new motor vehicle dealer, manufacturer, distributor, or importer is subject to the laws of this state regulating new motor vehicle dealers, manufacturers, importers, and distributors.

(d) The provisions of subsection (5)(b) do not apply to dealers of personal watercraft, snowmobiles, or off-highway vehicles licensed under the provisions of Title 23."

Section 172. Section 61-4-204, MCA, is amended to read:

"61-4-204. Filing agreement -- product liability. (1) A franchisee shall, at the time of application for a new motor vehicle dealer license under the provisions of Title 23 or 61-4-101, file with the department a certified copy of the franchisee's written agreement with a manufacturer and a certificate of appointment as dealer or distributor. The certificate of appointment must be signed by an authorized agent of the manufacturer of domestic motor vehicles whenever there is a direct manufacturer dealer agreement or by an authorized agent of the distributor whenever the manufacturer is wholesaling through an appointed distributorship. The certificate must be signed by an authorized agent of the importer of foreign-made vehicles whenever there is a direct importer-dealer agreement or by an authorized agent of the distributor whenever there is an indirect distributor-dealer agreement. The distributor's certificate of appointment must be signed by an authorized agent of the manufacturer of domestically manufactured motor vehicles or by an authorized agent of the manufacturer or importer of foreign-made motor vehicles.

(2) A franchisee need not file a written agreement or certificate of appointment if the manufacturer on direct dealerships or distributor on indirect dealerships or importer on direct dealerships uses the identical basic agreement for all its franchised dealers or distributors in this state and certifies in the certificate of appointment that the blanket agreement is on file and the written agreement with the particular dealer or distributor, respectively, is identical with the filed blanket agreement and that the franchisee has filed with the department

one agreement together with a list of franchised dealers or distributors.

(3) A manufacturer, distributor, or importer shall notify the department within 30 days of any revision of or addition to the basic agreement on file or of any franchise supplement to the agreement. Annual renewal of a certificate filed as provided in this section is not required.

(4) A manufacturer shall file with the department a copy of the delivery and preparation obligations required to be performed by a dealer prior to the delivery of a new motor vehicle to a buyer. These delivery and preparation obligations constitute the dealer's only responsibility for product liability as between the dealer and the manufacturer. Any mechanical, body, or parts defects arising from an express or implied warranty of the manufacturer constitute the manufacturer's product or warranty liability only. However, this section may not affect the obligations of new motor vehicle dealers to perform warranty repair and maintenance that may be required by law or contract. Except with regard to household appliances, including but not limited to ranges, refrigerators, and water heaters, in a recreational vehicle~~, as defined in 61-1-132,~~ and except with regard to a truck rated at more than 10,000 pounds gross vehicle weight, the manufacturer shall compensate an authorized dealer for labor, parts, and other expenses incurred by a dealer who performs work to rectify the manufacturer's product or warranty defect or for delivery and preparation obligations at the same rate and time the dealer charges to its retail customers for nonwarranty work of a like kind, based upon a published, nationally recognized, retail flat rate labor time guide manual if the dealer uses the manual as the basis for computing charges for both warranty and retail work.

(5) (a) All claims made by the dealer pursuant to this section for compensation for delivery, preparation, warranty, and recall service, including labor, parts, and other expenses, must be paid by the manufacturer within 30 days of receipt of the claim from the dealer, except that a manufacturer of a motor home~~, as defined in 61-1-130,~~ shall pay any claim within 60 days of receipt from the dealer.

(b) If a claim is disapproved, the dealer must be notified in writing of the grounds for disapproval. A claim that has not been disapproved in writing within 30 days of having been received must be considered approved, and payment is due to the claimant immediately. However, the manufacturer retains the right to audit a claim for a period of 12 months following the payment of the claim.

(c) A claim that has been approved and paid may not be charged back to the dealer unless the manufacturer proves that:

(i) the claim was false or fraudulent;

(ii) the repairs were not properly made; or

(iii) the repairs were not necessary to correct the defective condition.

(d) A manufacturer may not deny a claim or reduce the amount to be reimbursed to the dealer if the dealer has provided reasonably sufficient documentation demonstrating that the dealer performed the services in

compliance with the written policies and procedures of the manufacturer.

(e) A franchisor may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims or chargebacks for customer or dealer incentives. An audit of incentive payments may apply only to the 18-month period immediately preceding the date on which the dealer was notified of an impending audit.

(6) The dealer shall furnish the purchaser of a new motor vehicle with a signed copy of the manufacturer's delivery and preparation requirements indicating that each of those requirements has been performed."

Section 173. Section 61-4-208, MCA, is amended to read:

"61-4-208. Prohibited acts. (1) A manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of the persons or entities listed may not:

(a) coerce, attempt to coerce, or require a new motor vehicle dealer to:

(i) accept delivery of a new motor vehicle, a part, or an accessory for a new motor vehicle or any other commodity that has not been ordered by the dealer;

(ii) participate in or contribute to any local, regional, or national advertising fund or to participate in or to contribute to contests, giveaways, or other sales devices;

(iii) change location of the dealership or to make substantial alterations to the use or number of franchises or the dealership premises or facilities when to do so would be unreasonable, or without written assurance of a sufficient supply of new motor vehicles that would justify an expansion;

(iv) either establish or maintain exclusive facilities, personnel, or display space or to abandon an existing franchise relationship with another manufacturer that was established before April 8, 1997, when those requirements are not justified by reasonable business considerations;

(v) refrain from participation in the management of, investment in, or acquisition of any other line of new motor vehicle or related products if the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicles and remains in compliance with any reasonable capital standards and facility requirements of the manufacturer; or

(vi) enter into an agreement with a manufacturer, factory branch, distributor, distributor branch, or representative of the listed persons or entities or do any other act unfair to the dealer by:

(A) threatening to cancel or not renew a franchise existing between the manufacturer, factory branch, distributor, distributor branch, or representative of the listed persons or entities and the dealer; or

(B) threatening to withhold, delay, or disrupt the receipt of new motor vehicles or any motor vehicle parts or supplies ordered by the dealer from the manufacturer, factory branch, distributor, distributor branch, importer, or representative or agent of the listed entities;

(b) delay, refuse, or fail to deliver new motor vehicles in a reasonable time in a reasonable quantity relative to the new motor vehicle dealer's facilities and sales potential after accepting an order from a new motor vehicle dealer if the new motor vehicles are publicly advertised as being available for immediate delivery; or

(c) impose unreasonable restrictions on the assertion of legal or equitable rights on the new motor vehicle dealer or franchise regarding transfer; sale; right to renew; termination; discipline; noncompetition covenants; site control, whether by sublease, collateral pledge of lease, or otherwise; or compliance with subjective standards.

(2) There is no violation of subsection (1)(a)(iii) or (1)(b) if a failure on the part of the manufacturer, factory branch, distributor, or distributor branch is beyond the control of the listed persons or entities.

(3) (a) Except as provided in subsection (3)(b) or (3)(c), a manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of any of these persons or entities may not own or operate, directly or indirectly, a motor vehicle dealership in Montana that is for sale or has been for sale under a franchise agreement with a new motor vehicle dealer in Montana.

(b) If there is no independent person available to own and operate a motor vehicle dealership in a manner that is consistent with the public interest, a manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of any of these persons or entities may own and operate a motor vehicle dealership for a temporary period, not to exceed 1 year, during the transition from one owner of the dealership to another. Approval of the sale may not be unreasonably withheld by the manufacturer.

(c) A manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of any of these persons or entities may own an interest in a motor vehicle dealership but may not operate the dealership unless a manufacturer of new motor vehicles, a factory branch, a distributor, a distributor branch, an importer, a field representative, an officer, an agent, or any representative of any of these persons or entities has a bona fide business relationship with an independent person who is not a franchisor or a franchisor's agent or affiliate, who has made an investment that is subject to loss in the dealership, and who reasonably expects to acquire full ownership of the dealership on reasonable terms and conditions."

Section 174. Section 61-4-301, MCA, is amended to read:

"61-4-301. Permit and transit plates for new motor vehicles being transported by driveaway or towaway methods -- used mobile homes. (1) (a) A person, firm, partnership, or corporation, regularly and lawfully engaged in the transportation of new motor vehicles over the highways of this state from manufacturing

or assembly points to agents of manufacturers and dealers in this state or in other states, territories, or foreign countries or provinces by the driveaway or towaway methods, ~~where~~ when the motor vehicles being driven, towed, or transported by the saddle-mount, towbar, or full-mount methods, or a lawful combination of these methods, will be transported over the highways of the state ~~but~~ only once, may annually apply to the department of justice for a permit to use the highways of this state and shall pay, upon filing the application, a fee of $100. Upon processing of the application, that department shall issue an annual permit to the applicant.

(b) A person moving used mobile homes from a point outside the state to a point inside the state may apply to the department for the permit authorized pursuant to subsection (1)(a).

(2) (a) The permitholder may also apply to the department of justice for five sets of transit plates showing the permit number for identification of the motor vehicles being transported by the permitholder, and the plates or devices may be used on a motor vehicle being driven, towed, or transported by and under the control of the permitholder. The department shall collect the additional sum of $10 for each set of transit plates or devices applied for and issued.

(b) A permitholder may apply for and receive more than five sets of transit plates in a calendar year if the permitholder can demonstrate, to the satisfaction of the department, that additional sets of plates are needed based on the number of trip fees reported in Montana in the previous calendar year. The department shall collect $10 for each additional set of transit plates issued.

(3) The department of justice shall retain the permit and plate fees to defray costs of administering 61-4-301 through 61-4-308.

(4) The permit and transit plates or devices expire on December 31 of each year."

Section 175. Section 61-4-302, MCA, is amended to read:

"61-4-302. One-trip fee in addition to permit and plate fees payable quarterly -- exception. (1) In addition to the permit and plate fees, a permitholder shall pay to the department ~~of justice~~ a one-trip fee of $5 ~~per~~ for each driven motor vehicle. The fee ~~shall~~ must be paid within 15 days after the end of the calendar quarter upon forms recommended or supplied by that department.

(2) A person moving new or used mobile homes is not subject to the one-trip fee required by subsection (1)."

Section 176. Section 61-4-306, MCA, is amended to read:

"61-4-306. Exemptions from fees. The fees provided for driveaway or towaway transporters ~~shall~~ do not apply to:

(1) motor vehicles regularly used in the hauling of motor vehicles by the truckaway method or to the motor vehicles ~~so~~ being ~~transported~~ hauled;

(2) motor vehicles operated under dealers' licenses or plates;

(3) motor vehicles registerable under any other provisions of law;

(4) any person not issued a driveaway or towaway permit."

Section 177. Section 61-4-307, MCA, is amended to read:

"61-4-307. Display of plates. A motor vehicle or combination of motor vehicles transported over the highways of the state by a permitholder shall display in a prominent position ~~thereon~~ on the motor vehicle the distinctive transit plates or devices, with the towing motor vehicle displaying ~~such~~ the plates or device on the front ~~thereof~~ of the motor vehicle and a towed motor vehicle displaying the plates on the rear ~~thereof~~ of the motor vehicle."

Section 178. Section 61-4-310, MCA, is amended to read:

"61-4-310. Single movement permit -- fee -- limitation -- county treasurer to issue. (1) (a) A motor vehicle~~,~~ subject to license under this title~~,~~ or a mobile home may be moved unladen upon the highways of this state from a point within the state to a point of destination. The county treasurer at the point of the origin of the movement shall issue a special permit for the motor vehicle in lieu of fees required under 61-3-321 and part 2 of chapter 10 of this title upon application presented to the county treasurer in a form provided by the department, upon exhibiting to the county treasurer proof of ownership and evidence that the personal property taxes on the motor vehicle, if any are due, have been paid, and upon payment of a fee of $5. The fee must be forwarded to the department of revenue for deposit in the state general fund. The permit is not in lieu of fees and permits required under 61-4-301 and 61-4-302.

(b) For purposes of this section, a mobile home is considered unladen when all items are removed except the equipment originally installed by the manufacturer and the personal effects of the owners.

(2) The permit is for the transit of the motor vehicle or mobile home only, and the motor vehicle or mobile home may not at the time of the transit be used for the transportation of any persons, except the driver, or any property for compensation or otherwise and is for one transit only between the points of origin and destination as set forth in the application and shown on the permit.

(3) A junk vehicle being driven or towed to a motor vehicle wrecking facility or a motor vehicle graveyard for disposal is exempt from the provisions of this section. The definitions in 75-10-501 apply to this subsection."

Section 179. Section 61-4-404, MCA, is amended to read:

"61-4-404. Threats prima facie evidence. Any threat, expressed or implied, made directly or indirectly to any dealer by any manufacturer~~,~~ or by any person who is engaged in the business of financing the purchase or

sale of motor vehicles and is affiliated with or controlled by any manufacturer~~,~~ that ~~such~~ the manufacturer will cease to sell or will terminate or refuse to enter into a contract to sell motor vehicles to ~~such~~ the dealer unless ~~such~~ the dealer finances the purchase or sale of any ~~such~~ motor ~~vehicle or~~ vehicles only with or through a designated person~~, shall be~~ is presumed to be made at the direction of and with the authority of ~~such~~ the manufacturer. ~~and shall be~~ The threat is prima facie evidence of the fact that ~~such~~ the manufacturer has sold or intends to sell ~~such~~ the motor ~~vehicle or~~ vehicles on the condition or under the agreement prohibited by the provisions of this part."

Section 180. Section 61-4-501, MCA, is amended to read:

"61-4-501. Definitions. For purposes of this part, the following definitions apply:

(1) "Collateral charge" means all governmental charges, including but not limited to sales tax, property tax, license and registration fees, and fees in lieu of tax.

(2) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle that has not been brought into nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations by the purchaser, any person to whom the motor vehicle is transferred during the duration of an express warranty applicable to the motor vehicle, or any other person entitled by the terms of the warranty to the benefits of its provisions.

(3) "Incidental damage" means incidental and consequential damage as defined in 30-2-715.

(4) "Manufacturer" has the meaning applied to that word in 61-4-201.

(5) (a) "Motor vehicle" means a vehicle, including the nonresidential portion of a motor home ~~as defined in 61-1-130~~, propelled by its own power, designed primarily to transport persons or property upon the public highways, and sold or registered in this state.

(b) The term does not include:

(i) a truck with 10,000 pounds or more gross vehicle weight rating~~.~~; or

(ii) ~~Motor vehicle does not include~~ components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for residential purposes.

(6) "Reasonable allowance for use" is an amount directly attributable to use of the motor vehicle by the consumer and any previous consumers prior to the first written notice of the nonconformity to the manufacturer or its agent and during any subsequent period when the motor vehicle is not out of service because of nonconformity. The reasonable allowance for use must be computed by multiplying the total contract price of the motor vehicle by a fraction having as its denominator 100,000 and having as its numerator the number of miles that the motor vehicle traveled prior to the manufacturer's acceptance of its return.

(7) "Warranty period" means the period ending 2 years after the date of the original delivery to the consumer

of a new motor vehicle or during the first 18,000 miles of operation, whichever is earlier."

Section 181. Section 61-4-503, MCA, is amended to read:

"61-4-503. Replacement for nonconformity to warranty. (1) If after a reasonable number of attempts the manufacturer or its agent or authorized dealer is unable, during the warranty period, to conform the new motor vehicle to any applicable express warranty by repairing or correcting any defect or condition that substantially impairs the use and market value or safety of the motor vehicle to the consumer, the manufacturer shall replace it with a new motor vehicle of the same model and style and of equal value, unless for reasons of lack of availability ~~such~~ replacement is impossible, in which case the manufacturer shall replace it with a motor vehicle of comparable market value.

(2) As an alternative to replacement, the manufacturer may accept return of the new motor vehicle from the consumer upon refund to ~~him~~ the consumer of the full purchase price, plus reasonable collateral charges and incidental damages, less a reasonable allowance for the consumer's use of the motor vehicle. The refund ~~shall~~ must be paid to the consumer and to a lienholder, if any, in proportion to their interests."

Section 182. Section 61-4-504, MCA, is amended to read:

"61-4-504. Reasonable number of attempts -- presumption. A reasonable number of attempts to conform a new motor vehicle to the applicable express warranties is presumed to have been made for purposes of 61-4-503(1) if:

(1) the same nonconformity has been subject to repair four or more times by the manufacturer or its agent or authorized dealer during the warranty period but the nonconformity continues to exist; or

(2) the motor vehicle is out of service because of nonconformity for a cumulative total of 30 or more business days during the warranty period after notification of the manufacturer, agent, or dealer."

Section 183. Section 61-4-505, MCA, is amended to read:

"61-4-505. Dealer exemption -- liability to manufacturer. (1) ~~Nothing in this~~ This part ~~imposes~~ does not impose any liability on a dealer or ~~creates~~ create a cause of action by a consumer against a dealer under 61-4-503.

(2) A dealer is not liable to a manufacturer for any refunds or motor vehicle replacements in the absence of evidence indicating that repairs made by the dealer were carried out in a manner inconsistent with the manufacturer's instructions."

Section 184. Section 61-4-506, MCA, is amended to read:

"61-4-506. Provisions nonexclusive -- applicability of U.C.C. -- defenses. (1) The provisions of this part do not limit the rights or remedies available to a consumer under any other law.

(2) All express warranties arising from the sale of a new motor vehicle are subject to the provisions of Title 30, chapter 2, part 3.

(3) It is an affirmative defense to a claim brought under this part that an alleged nonconformity does not substantially impair the use, market value, or safety of the motor vehicle or that the nonconformity is the result of abuse, neglect, or unauthorized modification or alteration of a motor vehicle by the consumer."

Section 185. Section 61-4-511, MCA, is amended to read:

"61-4-511. Manufacturer's dispute settlement procedure -- certification -- prohibited contents. (1) A manufacturer who has established an informal dispute settlement procedure under the provisions of Title 16, Code of Federal Regulations, part 703 (16 CFR, part 703), as those provisions read on October 1, 1983, shall submit a copy of the procedure to the department of administration. The department of administration shall issue a certificate of approval to a manufacturer whose procedure complies in all respects with the federal regulations and subsection (2). The department of administration shall report to the department of justice all manufacturer's procedures certified. The department of administration may issue subpoenas requiring the attendance of witnesses and the production of records, documents, or other evidence necessary to it in an investigation related to the certification of a manufacturer's informal dispute settlement procedure.

(2) A manufacturer's informal dispute settlement procedure must afford the consumer or the consumer's representative an opportunity to appear and present evidence in Montana at a location reasonably convenient to the consumer and, further, may not include any practices that:

(a) delay a decision in any dispute beyond 60 days after the date on which the consumer initially resorts to the dispute settlement procedure;

(b) delay performance of remedies awarded in a settlement beyond 10 days after a decision, except that a manufacturer may have 30 days following the date of decision to replace a motor vehicle or make refund to the consumer as provided in 61-4-503;

(c) require the consumer to make the motor vehicle available for inspection by a manufacturer's representative more than once;

(d) fail to consider in decisions any remedies provided by this part; or

(e) require the consumer to take any action or assume any obligation not specifically authorized under the federal regulations referred to in subsection (1)."

Section 186. Section 61-4-519, MCA, is amended to read:

"61-4-519. Action by arbitrator -- decision. (1) The arbitrator shall, as expeditiously as possible, but not later than 60 days after the department of administration has accepted a complaint, render a fair decision based on the information gathered and disclose the arbitrator's findings and reasoning to the parties.

(2) The decision must provide appropriate remedies, including but not limited to:

(a) repair of the motor vehicle;

(b) replacement of the motor vehicle with an identical motor vehicle or a comparable motor vehicle acceptable to the consumer;

(c) refund as provided in 61-4-503(2);

(d) any other remedies available under the applicable warranties or 15 U.S.C. 2301 through 2312, as in effect on October 1, 1983; or

(e) reimbursement of expenses and costs to the prevailing party.

(3) The decision must specify a date for performance and completion of all awarded remedies. The department of administration shall contact the prevailing party within 10 working days after the date for performance to determine whether performance has occurred. The parties shall act in good faith in abiding by any decision. In addition, if the decision is not accepted, the parties shall follow the provisions of Title 27, chapter 5. If it is determined by the court that the appellant has acted without good cause in bringing an appeal of an award, the court, in its discretion, may grant to the respondent costs and reasonable attorney fees."

Section 187. Section 61-4-525, MCA, is amended to read:

"61-4-525. Notice on resale of replaced motor vehicle. A motor vehicle ~~which~~ that is returned to the manufacturer and ~~which~~ that requires replacement or refund may not be sold in the state without a clear and conspicuous written disclosure of the fact that the motor vehicle was returned. The department ~~of justice~~ may prescribe by rule the form and content of the disclosure statement and a procedure by which the disclosure may be removed upon a determination that the motor vehicle is no longer defective."

Section 188. Section 61-5-104, MCA, is amended to read:

"61-5-104. Exemptions. (1) The following persons are exempt from licensure under this chapter:

(a) a person who is a member of the armed forces of the United States while operating a motor vehicle owned by or leased to the United States government and being operated on official business;

(b) a person who is a member of the armed forces of the United States on active duty in Montana who holds a valid license issued by another state and the spouse of the person who holds a valid license issued by another state and who is not employed in Montana, except as a member of the armed forces. If a spouse of a member of the armed forces becomes gainfully employed in Montana, the spouse must be licensed, as required

by 61-5-102, within 90 days of becoming employed.

(c) a person on active duty in the armed forces of the United States and in immediate possession of a valid license issued to that person in a foreign country by the armed forces of the United States, for a period of 45 days from the date of the person's return to the United States;

(d) a person who temporarily drives, operates, or moves a road machine, farm tractor, as defined in 61-9-102, or implement of husbandry for use in intrastate commerce on a highway;

(e) a person who is a locomotive engineer, assistant engineer, conductor, brake tender, railroad utility person, or other member of the crew of a railroad locomotive or train being operated upon rails, including operation on a railroad crossing a public street, road, or highway. A person employed as described in this subsection is not required to display a driver's license to a law enforcement officer in connection with the operation of a railroad ~~locomotive or~~ train within Montana.

(f) a person who temporarily drives, operates, or moves an off-highway vehicle~~, as defined in 23-2-801,~~ on a forest development road in this state, as defined in 61-8-110, that has been designated and approved for off-highway vehicle use by the United States forest service if the person:

(i) is under 16 years of age but at least 12 years of age; and

(ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's possession a certificate showing the successful completion of an off-highway vehicle safety education course approved by the department of fish, wildlife, and parks and is in the physical presence of a person who possesses a license issued under this chapter.

(2) A nonresident who is at least 15 years of age and who is in immediate possession of a valid operator's license issued to the nonresident by the nonresident's home state or country may operate a motor vehicle, except a commercial motor vehicle, in this state.

(3) A nonresident who is in immediate possession of a valid commercial driver's license issued to the nonresident by the nonresident's home jurisdiction, in accordance with the licensing and testing standards of 49 CFR, part 383, may operate a commercial motor vehicle in this state.

(4) A nonresident who is at least 18 years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle is registered in the home state or country of the nonresident.

(5) A driver's license issued under this chapter to a person who enters the United States armed forces, if valid and in effect at the time that the person enters the service, continues in effect so long as the service continues, unless the license is suspended, revoked, or canceled for a cause as provided by law, and for up to 30 days following the date on which the licensee is honorably separated from the service. During the 30-day period, the license is valid only when the license and the licensee's discharge, separation, leave, or furlough

papers are in the licensee's immediate possession."

Section 189. Section 61-5-112, MCA, is amended to read:

"61-5-112. Types and classes of commercial driver's licenses -- classification -- rulemaking -- reciprocity agreements. (1) The department shall adopt rules that it considers necessary for the safety and welfare of the traveling public governing the classification of commercial driver's licenses and related endorsements and the examination of commercial driver's license applicants and renewal applicants. The rules must:

(a) subject to the exceptions provided in this section, comport with the requirements of 49 CFR, part 383, and the medical qualifications of 49 CFR, part 391;

(b) allow for the issuance of a type 2 (intrastate only) commercial driver's license in accordance with medical qualification and visual acuity standards prescribed by the department;

(c) allow for the issuance of a type 2 commercial driver's license to a person who is 18 years of age or older or an operationally restricted type 2 commercial driver's license to a person who is 16 years of age or older;

(d) allow for issuance of a seasonal commercial driver's license based on standards established by the department for the waiver of the knowledge and skills test for a qualified person employed in farm-related service industries who has a good driving record and sufficient prior driving experience;

(e) prescribe the operational and seasonal restrictions for a seasonal commercial driver's license;

(f) prescribe the requirements for the medical statement that must be submitted in order for a person to be qualified for a type 2 commercial driver's license; and

(g) prescribe the minimum standards for certification of a third-party commercial driver testing program and any test waiver under 61-5-118.

(2) The department is authorized to enter into reciprocal agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license because the vehicles are not considered commercial motor vehicles as provided in ~~61-1-134(2)~~ 61-1-101(5)(b)(ii)."

Section 190. Section 61-5-119, MCA, is amended to read:

"61-5-119. Definitions. (1) For the purposes of 61-5-120, "driver rehabilitation specialist" means a person who:

(a) possesses current certification from the association of driver educators for the disabled as a driver rehabilitation specialist; or

(b) (i) provides comprehensive services in the clinical evaluation of the abilities of a person with a disability

to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment, motor vehicle modification prescription, and driver education;

(ii) (A) possesses a bachelor's degree in rehabilitation, education, or health and safety~~;~~, in physical, occupational, or recreational therapy~~;~~, or in a related profession; or

(B) has an equivalent of 8 years of experience in driver rehabilitation and education; and

(iii) has at least 1 year of experience in the area of driver evaluation and training for individuals with disabilities.

(2) For the purposes of this chapter, unless the context requires otherwise:

(a) "cancellation" means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to the license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after cancellation; and

(b) "jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or a province or territory of Canada."

Section 191. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 22.3% of each driver's license fee and 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. ~~The~~ Upon receiving an appropriation, the department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state general fund.

(d) The amount of 20.7% of each driver's license fee and 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of 54.5% of each driver's license fee and 62.5% of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.

(g) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit to the department ~~of revenue~~ all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department ~~of revenue~~, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall~~ deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

Section 192. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation -- probationary license -- ignition interlock device allowed on first offense. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for a first offense of operating or

being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall suspend the license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license suspension remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

(3) (a) If the person pays the reinstatement fee required in 61-2-107 and provides the department proof of compliance with an ignition interlock restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a first violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.

(b) If the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the court-imposed ignition interlock restriction by, including but not limited to operating a motor vehicle not equipped with the ignition interlock device, as defined in 61-8-102, tampering with the device, or removing the device before the period of restriction has expired, the department shall lift the stay and reinstate the license suspension for the remainder of the time period. The department may not issue a probationary driver's license to a person whose license suspension has been reinstated because of violation of an ignition interlock restriction.

(4) (a) Except as provided in subsection (4)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

(5) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802."

Section 193. Section 61-6-102, MCA, is amended to read:

"61-6-102. Definitions. ~~The following words and phrases, when~~ As used in this part, ~~have the meanings respectively ascribed to them in this section except in those instances where~~ unless the context clearly indicates a different meaning, the following definitions apply:

(1) "Judgment" means any judgment that has become final by expiration without appeal of the time within which an appeal might have been perfected or by final affirmation on appeal rendered by a court of competent jurisdiction of any state or of the United States upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use ~~thereof~~ of property, or upon a cause of action on an agreement of settlement for ~~such~~ damages.

(2) "License" means any license, temporary instruction permit, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles.

(3) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by ~~him~~ the nonresident of a motor vehicle or the use of a motor vehicle owned by ~~him~~ the nonresident in this state.

(4) "Person" means every natural person, firm, partnership, association, or corporation.

~~(4)~~(5) "Proof of financial responsibility" means proof of ability to respond in damages for liability on account of accidents occurring subsequent to the effective date of ~~said~~ the proof of financial responsibility, arising out of the ownership, maintenance, or use of a motor vehicle.

~~(5)~~(6) "State" means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

~~(6) "Ways of this state open to the public" means any highway, road, alley, lane, parking area, or other public or private place adapted and fitted for public travel and in common use by the public.~~"

Section 194. Section 61-6-301, MCA, is amended to read:

"61-6-301. Required motor vehicle insurance -- family member exclusion. (1) (a) Except as provided in subsection (1)(b), an owner of a motor vehicle that is registered and operated in Montana by the owner or with the owner's permission shall continuously provide insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by maintenance or use of a motor vehicle~~, as defined in 61-1-102,~~ in an amount not less than that required by 61-6-103, or a certificate of self-insurance issued in accordance with 61-6-143.

(b) Notwithstanding the mandatory motor vehicle liability insurance protection provided for in subsection (1)

(a), nothing in this part may be construed to prohibit the exclusion from insurance coverage of a named family member in a motor vehicle liability insurance policy.

(2) A motor vehicle owner who prefers to post an indemnity bond with the department in lieu of obtaining a policy of liability insurance may do so. The bond must guarantee that any loss resulting from liability imposed by law for bodily injury, death, or damage to property suffered by any person caused by accident and arising out of the operation, maintenance, and use of the motor vehicle sought to be registered must be paid within 30 days after final judgment is entered establishing the liability. The indemnity bond must guarantee payment in the amount provided for insurance under subsection (1).

(3) Any bond given in connection with this section is a continuing instrument and must cover the period for which the motor vehicle is to be registered and operated. The bond must be on a form approved by the commissioner of insurance and must be with a surety company authorized to do business in the state.

(4) It is unlawful for a person to operate a motor vehicle upon ways of this state open to the public as defined in 61-8-101 without a valid policy of liability insurance in effect in an amount not less than that required by 61-6-103 unless the person has been issued a certificate of self-insurance under 61-6-143, has posted an indemnity bond with the department as provided in this section, or is operating a vehicle exempt under 61-6-303."

Section 195. Section 61-8-102, MCA, is amended to read:

"61-8-102. Uniformity of interpretation -- definitions. (1) Interpretation of this chapter in this state must be as consistent as possible with the interpretation of similar laws in other states.

(2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

(a) "authorized emergency vehicle" means a vehicle of the fire department or fire patrol, an ambulance, and an emergency vehicle designated or authorized by the department;

(b) "bicycle" means:

(i) a vehicle propelled solely by human power upon which any person may ride and that has two tandem wheels and a seat height of more than 25 inches from the ground when the seat is raised to its highest position, except scooters and similar devices; or

(ii) a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, and an independent power source providing a maximum of 2 brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement may not exceed 3.05 cubic inches (50 centimeters) regardless of the number of chambers in the power source. The power source may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour (48.28 kilometers an hour) on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.

(c) "business district" means the territory contiguous to and including a highway when within any 600 feet along a highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway;

(d) "controlled-access highway" means a highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or roadway except at the points and in the manner as determined by the public authority having jurisdiction over the highway, street, or roadway;

(e) "crosswalk" means:

(i) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface;

(f) "flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic upon a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This person, except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned vehicular traffic hazard, must be equipped as required by the rules of the Montana department of transportation.

(g) "highway" has the meaning provided in 61-1-101, but includes ways that have been or are later dedicated to public use;

(h) "ignition interlock device" means ignition equipment that:

(i) analyzes the breath to determine blood alcohol concentration;

(ii) is approved by the department pursuant to 61-8-441; and

(iii) is designed to prevent a motor vehicle from being operated by a person who has consumed a specific amount of an alcoholic beverage;

(i) (i) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join one another at or approximately at right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(ii) When a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway must be regarded as a separate intersection. If the intersecting highway also include two roadways 30 feet or more apart, then every crossing of two roadways of the highways must be regarded as a separate intersection.

(j) "local authorities" means every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

(k) "noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and includes but is not limited to the vehicles listed in 61-1-101(5)(b);

(l) "official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic;

(m) "pedestrian" means any person on foot;

(n) "police vehicle" means a vehicle used in the service of any law enforcement agency;

(o) "private road" or "driveway" means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

(p) "residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is primarily improved with residences or residences and buildings in use for business;

(q) "right-of-way" means the privilege of the immediate use of the roadway;

(r) "school bus" has the meaning provided in 20-10-101;

(s) "sidewalk" means that portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use of pedestrians;

(t) "traffic control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed; and

(u) "urban district" means the territory contiguous to and including any street that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-fourth mile or more."

Section 196. Section 61-8-201, MCA, is amended to read:

"61-8-201. Obedience to traffic control devices -- exception for certain vehicles and funeral processions. (1) Unless otherwise directed by a peace officer, flag person, crossing guard, or public safety worker, the driver of a vehicle shall obey the instructions of an official traffic control device applicable to the driver's vehicle and placed in accordance with the provisions of this chapter. The driver of an authorized emergency vehicle, a police vehicle, or a highway patrol vehicle and the driver of a motor vehicle in a funeral procession are exempt from obedience to official traffic control devices and flag persons as provided in this chapter.

(2) A provision of this chapter for which traffic control devices or flag persons are required may not be enforced against an alleged violator if at the time and place of the alleged violation an official traffic control device or flag person is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section of this chapter does not state that official traffic control devices or flag persons are required, the section is effective even though traffic control devices are not erected or in place.

(3) Official traffic control devices or flag persons that are placed or held in position substantially conforming to the requirements of this chapter and the requirements of the uniform system adopted by the department of transportation pursuant to 61-8-202 are presumed to have been placed by an official act or at the discretion of a lawful authority."

Section 197. Section 61-8-210, MCA, is amended to read:

"61-8-210. Display of unauthorized signs, signals, or markings. (1) A person may not place, maintain, or display upon or in view of a highway any unauthorized sign, signal, marking, or device that purports to be or is an imitation of or resembles an official traffic control device, that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any official traffic control device or flag person.

(2) A person may not place or maintain and a public authority may not permit commercial advertising on an official traffic control device on a highway, except for business signs included as a part of official motorist service panels or roadside area information panels approved by the department of transportation.

(3) This section does not prohibit the erection of signs upon private property adjacent to highways that give useful directional information and that are of a type that cannot be mistaken for official signs."

Section 198. Section 61-8-310, MCA, is amended to read:

"61-8-310. When local authorities may and shall alter limits. (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than 65 miles an hour during the nighttime;

(c) decreases the limit outside an urban district, but not to less than 35 miles an hour; or

(d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or a designated crosswalk~~, as crosswalk is defined in 61-1-209,~~ that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be

set on the basis of an engineering and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road~~, as defined in 60-1-103~~.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under 61-8-303 for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309."

Section 199. Section 61-8-336, MCA, is amended to read:

"61-8-336. Turning movements and required signals. (1) A person may not turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by 61-8-333 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless the movement can be made with reasonable safety and until an appropriate signal has been given. A person may not turn a vehicle without giving an appropriate signal in the manner provided in this section.

(2) A signal of intention to turn right or left, other than when passing, must be given continuously during not less than the last 100 feet traveled by the vehicle before turning in any business district, residence district, or urban district ~~as defined in 61-1-408 through 61-1-410~~.

(3) A signal of intention to turn right or left, other than when passing, must be given continuously during not less than the last 300 feet traveled by the vehicle before turning in areas other than those set forth in subsection (2).

(4) A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of a vehicle immediately to the rear when there is opportunity to give the signal."

Section 200. Section 61-8-341, MCA, is amended to read:

"61-8-341. Vehicle entering through highway -- definition. (1) The operator of a vehicle shall stop as

required by 61-8-344 at the entrance to a through highway and shall yield the right-of-way to other vehicles that are approaching close enough on the through highway to constitute an immediate hazard. Once the operator has yielded, the operator may proceed and the operators of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle proceeding into or across the through highway.

(2) As used in this section, "through highway" means a highway or portion of a highway at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing and when stop signs are erected as provided in this chapter."

Section 201. Section 61-8-354, MCA, is amended to read:

"61-8-354. Stopping, standing, or parking prohibited in specified places -- exceptions -- definition. (1) A person may not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, highway patrol officer, or official traffic control device, in any of the following places:

(a) on a sidewalk;

(b) in front of a public or private driveway;

(c) within an intersection;

(d) within 15 feet of a fire hydrant;

(e) on a crosswalk;

(f) within 20 feet of a crosswalk at an intersection;

(g) within 30 feet upon the approach to any flashing beacon, stop sign, or official traffic control device located at the side of a roadway;

(h) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the local authorities indicate a different length by signs or markings;

(i) within 50 feet of the nearest rail of a railroad crossing;

(j) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;

(k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(l) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(m) upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(n) at any place where official traffic control devices prohibit stopping.

(2) A public bus stop may not be established in the areas described in subsections (1)(a) through (1)(c) and (1)(e). Otherwise, this section does not prohibit the establishment of public bus stops and the regulation of their

use by the authority having jurisdiction. A bus stop may only be established pursuant to a traffic and engineering study.

(3) A person may not move a vehicle not lawfully under the person's control into a prohibited area or an unlawful distance away from a curb.

(4) As used in this section, "safety zone" means the area or space that is officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone."

Section 202. Section 61-8-371, MCA, is amended to read:

"61-8-371. Operation of motor vehicle or off-highway vehicle below high-water mark on certain state or federal lands prohibited -- exceptions. (1) Except as provided in subsections (2) and (3), a person may not operate a motor vehicle~~, as defined in 61-1-102,~~ or an off-highway vehicle~~, as defined in 23-2-801,~~ below the ordinary high-water mark, as defined in 23-2-301, of class I or class II waters, as defined in 23-2-301, that occurs on state or federal lands or below the ordinary high-water mark of class I waters flowing through private lands, within that portion of the streambed that is covered with water.

(2) A motor vehicle or an off-highway vehicle may be operated below the ordinary high-water mark on state or federal lands on an established road or trail that enters or crosses a stream, but the stream crossing must be by the shortest practical or designated route to the road or trail on the opposite bank.

(3) The prohibition in subsection (1) does not apply to:

(a) off-highway or motor vehicle use that occurs on state or federal land that is designated for off-highway or motor vehicle use below the ordinary high-water mark if the use is in accordance with the requirements of the authorization;

(b) off-highway or motor vehicle use conducted on state or federal land pursuant to and in accordance with a specific written authorization from the appropriate land management agency for that use below the ordinary high-water mark; and

(c) operation of an off-highway vehicle by a nonambulatory person who is using the vehicle for recreational use, as defined in 23-2-301, as long as operation of the vehicle is prudent and minimizes destruction.

(4) The state may authorize the use of a motor vehicle or off-highway vehicle on state property below the ordinary high-water mark only when the state has determined that the use will have a minimal impact on the streambed and on the fish and wildlife ecology of the stream or river. Federal land management agencies are requested to apply the same criteria when authorizing use of federal land."

Section 203. Definitions. As used in 61-8-380 through 61-8-384, the following definitions apply:

(1) "Funeral escort vehicle" means a motor vehicle properly equipped pursuant to 61-8-381.

(2) "Funeral lead vehicle" means a motor vehicle, including a funeral hearse that is properly equipped pursuant to 61-8-381, leading and facilitating the movement of a funeral procession.

(3) "Funeral procession" means two or more motor vehicles, one of which is carrying the remains of a deceased person, in the daylight hours, including a funeral lead vehicle and a funeral escort vehicle.

Section 204. Section 61-8-380, MCA, is amended to read:

"61-8-380. Funeral procession right-of-way -- funeral lead vehicle and funeral escort vehicle in funeral procession. (1) Except as provided in subsection (4), pedestrians and operators of motor vehicles shall yield the right-of-way to a motor vehicle that is part of a funeral procession being led by a funeral lead vehicle or a funeral escort vehicle.

(2) After a funeral lead vehicle enters an intersection, the other vehicles in the funeral procession may continue to follow the funeral lead vehicle through the intersection despite any official traffic control device, right-of-way provisions of this chapter, or local ordinance if the operator exercises reasonable care toward any other vehicle or pedestrian. When the funeral lead vehicle arrives at an intersection, it must comply with the requirements of any official traffic control device, right-of-way provision of this chapter, and local ordinance.

(3) Except as provided in subsection (4), a driver of a funeral escort vehicle may direct the drivers of other vehicles in a funeral procession to proceed through an intersection or to make turns or other movements despite any official traffic control device. The driver of a funeral escort vehicle may direct and control the drivers of vehicles not in a funeral procession, including those in or approaching an intersection, to stop, proceed, or make turns or other movements without regard to an official traffic control device. Persons directing traffic shall comply with the ~~provisions of 61-1-411~~ requirements for a flag person as defined in 61-8-102. However, use of a funeral escort vehicle is not required.

(4) A vehicle in a funeral procession has the right-of-way at intersections regardless of official traffic control devices provided the driver of that vehicle and the drivers of all vehicles in the funeral procession meet all the requirements of ~~61-1-413 through 61-1-415~~ [section 203] and 61-8-380 through 61-8-384, except that an operator of a vehicle in a funeral procession shall yield the right-of-way to an approaching authorized emergency vehicle giving an audible or visual signal or when directed to do so by a highway patrol officer or police officer. This section does not relieve the driver of a vehicle in a funeral procession from the duty to drive with due regard for the safety of all persons using the highway."

Section 205. Section 61-8-383, MCA, is amended to read:

"61-8-383. Vehicles not in funeral procession. The driver of a vehicle that is not part of a funeral

procession may not:

(1) drive between the vehicles forming a funeral procession while they are in motion except when:

(a) authorized to do so by a police officer; or

(b) driving an authorized emergency vehicle emitting an audible or visible signal;

(2) join a funeral procession to secure the right-of-way granted by 61-8-380;

(3) pass a funeral procession on a multiple-lane highway on the funeral procession's right side unless the funeral procession is in the farthest left lane;

(4) enter an intersection, even if the driver is facing a green traffic control signal, when a funeral procession being conducted in compliance with ~~61-1-413 through 61-1-415~~ [section 203] and 61-8-380 through 61-8-384 is proceeding through a red traffic control signal at that intersection as permitted by 61-8-380 unless the driver can do so without crossing the path of the funeral procession. If the red signal changes to green while the funeral procession is within the intersection, the driver of a vehicle facing a green signal may proceed subject to the right-of-way of a vehicle participating in a funeral procession."

Section 206. Section 61-8-384, MCA, is amended to read:

"61-8-384. Liability. The operator of a vehicle in a funeral procession, including a funeral lead vehicle or ~~an~~ a funeral escort vehicle, is not negligent if ~~he~~ the person operates the vehicle in accordance with the requirements of ~~61-1-413 through 61-1-415~~ [section 203] and 61-8-380 through 61-8-384. When no negligence exists on the part of the operator of a vehicle in a funeral procession, none may be imputed to the funeral director or mortician organizing the procession, to the agent of the funeral director or mortician, or to a member of a local law enforcement agency acting as the agent, with or without compensation, of the funeral director or mortician."

Section 207. Section 61-8-401, MCA, is amended to read:

"61-8-401. Driving under influence of alcohol or drugs -- definitions. (1) It is unlawful and punishable, as provided in 61-8-442, 61-8-714, and 61-8-731 through 61-8-734, for a person who is under the influence of:

(a) alcohol to drive or be in actual physical control of a vehicle upon the ways of this state open to the public;

(b) a dangerous drug to drive or be in actual physical control of a vehicle within this state;

(c) any other drug to drive or be in actual physical control of a vehicle within this state; or

(d) alcohol and any dangerous or other drug to drive or be in actual physical control of a vehicle within this state.

(2) The fact that any person charged with a violation of subsection (1) is or has been entitled to use alcohol or a drug under the laws of this state does not constitute a defense against any charge of violating subsection

(1).

(3) (a) "Under the influence" means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.

(b) Subject to 61-8-440, as used in this part, "vehicle" has the meaning provided in 61-1-101, except that the term does not include a bicycle.

(4) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person at the time of a test, as shown by analysis of a sample of the person's blood or breath drawn or taken within a reasonable time after the alleged act, gives rise to the following inferences:

(a) If there was at that time an alcohol concentration of 0.04 or less, it may be inferred that the person was not under the influence of alcohol.

(b) If there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was or was not under the influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person.

(c) If there was at that time an alcohol concentration of 0.08 or more, it may be inferred that the person was under the influence of alcohol. The inference is rebuttable.

(5) The provisions of subsection (4) do not limit the introduction of any other competent evidence bearing upon the issue of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.

(6) Each municipality in this state is given authority to enact 61-8-406, 61-8-408, 61-8-410, 61-8-714, 61-8-722, 61-8-731 through 61-8-734, and subsections (1) through (5) of this section, with the word "state" in 61-8-406 and subsection (1) of this section changed to read "municipality", as an ordinance and is given jurisdiction of the enforcement of the ordinance and of the imposition of the fines and penalties provided in the ordinance.

(7) Absolute liability as provided in 45-2-104 will be imposed for a violation of this section."

Section 208. Section 61-8-605, MCA, is amended to read:

"61-8-605. Riding on roadways. (1) As used in this section~~,~~:

(a) "laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular traffic; and

(b) "roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.

(2) A person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and

place and under the conditions then existing shall ride as near to the right side of the roadway as practicable except when:

(a) overtaking and passing another vehicle proceeding in the same direction;

(b) preparing for a left turn at an intersection or into a private road or driveway; or

(c) necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(3) A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable.

(4) Persons riding bicycles upon a roadway shall ride in single file except when:

(a) riding on paths or parts of roadways set aside for the exclusive use of bicycles;

(b) overtaking and passing another bicycle;

(c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or

(d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case the persons may ride two abreast if they do not impede the normal and reasonable movement of traffic more than they would otherwise impede traffic by riding single file and in accordance with the provisions of this chapter.

(5) A bicycle, as defined in ~~61-1-123(2)~~ 61-8-102(2)(b)(ii), is excluded from the provisions of subsections (2) and (3)."

Section 209. Section 61-8-704, MCA, is amended to read:

"61-8-704. Erection of signs -- definition. (1) ~~No~~ The operator of a motor vehicle may not be arrested under 61-8-703 unless signs have been placed at or near the state line on the primary highway system, outside towns or cities having over 2,500 population, and outside county seats on the primary highways to indicate the legal rate of speed.

(2) Any municipality ~~which~~ that uses radio microwaves or ~~other~~ another electrical device for law enforcement purposes shall erect and maintain appropriate signs giving notice of ~~such~~ that use at a conspicuous place at or near the corporate limits of the municipality, upon each state highway and arterial street or highway entering the municipality, and at ~~such~~ other places ~~as may be deemed~~ considered necessary by the municipal authorities for the information of the traveling public.

(3) Signs giving notice that the speed of vehicles may be measured by radio microwaves or other electrical device ~~shall~~ must be placed as required for speed signs in subsection (1) ~~above~~. However, the absence of ~~such~~ signs ~~shall~~ may not in itself invalidate an otherwise proper arrest.

(4) As used in this section, "arterial street" means any federal or state numbered route, controlled-access

highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system or highway."

Section 210. Section 61-8-713, MCA, is amended to read:

"61-8-713. Injury to or removal of sign or marker ~~a~~ as misdemeanor -- penalty. (1) ~~Every~~ A person who maliciously injures, defaces, damages, or removes any sign, signal, or marker, either temporarily or permanently erected on the right-of-way of any secondary, state, or interstate highway for warning, instruction, or information of the public, is guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished by a fine of $250, ~~or~~ by imprisonment in the county jail for a period not exceeding 60 days, or ~~by~~ both ~~such fine and imprisonment in the discretion of the court~~. This section applies to secondary, state, or interstate highways ~~which~~ that are completed and to secondary, state, or interstate highways ~~which~~ that are under construction or repair.

(2) ~~No~~ A person ~~shall~~ may not, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia ~~thereon~~ on or ~~any~~ part ~~thereof~~ of the sign or device.

(3) As used in this section, "railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train."

Section 211. Section 61-8-801, MCA, is amended to read:

"61-8-801. Purpose -- definition. (1) The purpose of this part is to reduce the number of commercial motor vehicle accidents in Montana, to provide greater safety to the motoring public and others by establishing stringent criteria governing the operation of commercial motor vehicles, and to deny the privilege of operating commercial motor vehicles upon the public streets and highways to those commercial motor vehicle operators who are not qualified.

(2) To fulfill this purpose, the legislature intends that this part:

(a) establish criteria and procedures for the operation of commercial motor vehicles that require safety practices commensurate with the danger inherent to their operation;

(b) provide for increased administrative punishment for commercial motor vehicle operators who use alcohol while operating commercial motor vehicles;

(c) provide greater control of commercial motor vehicle operators using the streets and highways; and

(d) conform Montana's laws on commercial driver licensing with federal regulations based on the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, as amended.

(3) As used in this part, "hazardous material" means a substance or material, defined or listed as a

hazardous material in Title 49, Code of Federal Regulations, in a quantity and form that may pose an unreasonable risk to health and safety or property when transported."

Section 212. Section 61-9-102, MCA, is amended to read:

"61-9-102. Uniformity of interpretation -- definitions. (1) This chapter ~~shall~~ must be ~~so~~ interpreted and construed ~~as~~ in order to effectuate its general purpose to make uniform the law of those states which enact it.

(2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

(a) "authorized emergency vehicle" has the meaning provided in 61-8-102;

(b) "emergency service vehicle" means an emergency service vehicle of a state, county, or municipal department or a public service vehicle, commercial tow truck, or commercial road service truck, which by the nature of its operation causes a vehicular traffic hazard;

(c) "explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases so that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb;

(d) "farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;

(e) "police vehicle" has the meaning as provided in 61-8-102; and

(f) "right-of-way" has the meaning provided in 61-8-102."

Section 213. Section 61-9-103, MCA, is amended to read:

"61-9-103. Provisions uniform throughout state -- power of local authorities. (1) The provisions of this chapter ~~shall~~ must be applicable and uniform throughout this state and in all political subdivisions and municipalities ~~therein~~ in this state, and ~~no~~ a local authority ~~shall~~ may not enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this chapter unless expressly authorized ~~herein~~ in this chapter. Local authorities may~~, however,~~ adopt additional traffic regulations ~~which~~ that are not in conflict with the provisions of this chapter.

(2) As used in this section "local authorities" has the meaning provided in 61-8-102."

Section 214. Section 61-9-226, MCA, is amended to read:

"61-9-226. Special restrictions on lamps -- definition. (1) A lighted lamp or illuminating device upon a

motor vehicle other than headlamps, spot lamps, auxiliary lamps, or flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps that projects a beam of light of an intensity greater than 300 candlepower must be so directed that the high intensity portion of the beam may not strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(2) A person may not drive or move a vehicle or equipment upon a highway with a lamp or device displaying a red light visible from in front of the center of the vehicle. This section does not apply to a vehicle upon which a red light visible from the front is expressly authorized or required by this code.

(3) Flashing, blinking, sequential, rotating, or pulsating lights are prohibited except on vehicles that are authorized by this chapter to contain the lights or on a vehicle as a means for indicating a right or left turn or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

(4) License plate decorative lighting that is not original manufacturer's equipment or undercarriage decorative lighting that rotates, flashes, or oscillates or that displays a color authorized by this chapter for use by police vehicles and authorized emergency vehicles may not be illuminated on a vehicle that is operated upon a highway or street.

(5) As used in this section "school bus" has the meaning provided in 20-10-101."

Section 215. Section 61-9-302, MCA, is amended to read:

"61-9-302. Service brakes -- adequacy. Every ~~such~~ motor vehicle, trailer, semitrailer, and pole trailer and combination of these vehicles, except special mobile equipment ~~as defined in 61-1-104~~, ~~shall~~ must be equipped with service brakes complying with the performance requirements of 61-9-312 and adequate to control the movement of and to stop and hold ~~such~~ the vehicle under all conditions of loading and on any grade incident to its operation."

Section 216. Section 61-9-304, MCA, is amended to read:

"61-9-304. Brakes required on all wheels -- exceptions. Every vehicle must be equipped with brakes acting on all wheels except:

(1) trailers, semitrailers, pole trailers of a gross weight not exceeding 3,000 pounds, provided that:

(a) the total weight on and including the wheels of the trailer or trailers may not exceed 40% of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(b) the combination of vehicles consisting of the towing vehicle and its total towed load is capable of complying with the performance requirements of 61-9-312;

(2) any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of 61-9-312;

(3) trucks and truck tractors having three or more axles need not have brakes on the front wheels, if the vehicle was manufactured before July 25, 1980. However, the trucks and truck tractors must be capable of complying with the performance requirements of 61-9-312.

(4) special mobile equipment ~~as defined in 61-1-104~~;

(5) the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes. However, a quadricycle, motorcycle, or motor-driven cycle must be capable of complying with the performance requirements of 61-9-312."

Section 217. Section 61-9-321, MCA, is amended to read:

"61-9-321. Engine compression brake device -- use. (1) A commercial motor vehicle~~, as defined in 61-1-134,~~ equipped with an engine compression brake device must be equipped with a muffler in good working condition to prevent excessive noise.

(2) An operator of a commercial motor vehicle that has an engine compression brake device with a factory-installed muffler or an equivalent after-market muffler may not be prohibited from using the engine compression brake device."

Section 218. Section 61-9-402, MCA, is amended to read:

"61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command vehicles -- immunity. (1) A police vehicle must be equipped with a siren capable of giving an audible signal and may be equipped with alternately flashing or rotating red or blue lights as specified in this section.

(2) An authorized emergency vehicle must be equipped:

(a) with a siren and an alternately flashing or rotating red light as specified in this section; and

(b) with signal lamps mounted as high and as widely spaced laterally as practicable that are capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight.

(3) A bus used for the transportation of school children must be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. The warning lights must be as prescribed by the board of public education and approved by the department.

(4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle must, be equipped with alternately flashing or rotating amber lights as specified in this section.

(5) The use of signal equipment as described in this section imposes upon the operators of other vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light only with caution and at a speed that is no greater than is reasonable and proper under the conditions existing at the point of operation subject to the provisions of 61-8-209 and 61-8-303.

(6) An employee, agent, or representative of the state or a political subdivision of the state or of a fire department who is operating a police vehicle, an authorized emergency vehicle, or an emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of subsection (5).

(7) Blue, red, and amber lights required in this section must be mounted as high as and as widely spaced laterally as practicable and capable of displaying to the front two alternately flashing lights of the specified color located at the same level and to the rear two alternately flashing lights of the specified color located at the same level or one rotating light of the specified color, mounted as high as is practicable and visible from both the front and the rear. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. Except as provided in 61-9-204(6), only police vehicles as defined in ~~61-1-118~~ 61-8-102 may display blue lights, lenses, or globes.

(8) A police ~~car~~ vehicle and authorized emergency vehicle may be equipped with a flashing signal lamp that is green in color, visible from 360 degrees, and attached to the exterior roof of the vehicle for purposes of designation as the on-scene command and control vehicle in an emergency or disaster. The green light must have sufficient intensity to be visible at 500 feet in normal sunlight. Only the on-scene command and control vehicle may display green lights, lenses, or globes.

(9) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to flash or alternate its headlamps or its backup lights.

(10) A violation of subsection (5) is considered reckless endangerment of a highway worker, as provided in 61-8-301(4), and is punishable as provided in 61-8-715."

Section 219. Section 61-9-405, MCA, is amended to read:

"61-9-405. Windshields required, exception -- unobstructed and equipped with wipers -- window tinting and sunscreening -- restrictions -- exemptions. (1) A motor vehicle, except a motorcycle, quadricycle, motor-driven cycle, or farm tractor, must be equipped with a front windshield meeting the requirements of 61-9-408, unless the driver wears safety glasses, goggles, or face shields at all times during the operation of the motor vehicle.

(2) A person may not drive a motor vehicle with:

(a) a sign, poster, substance, or other nontransparent material upon the front windshield, side wings, or side or rear windows of the vehicle that materially obstructs, obscures, or impairs the driver's clear view of the highway or an intersecting highway; or

(b) a windshield that is shattered or in such a defective condition that it materially impairs or obstructs the driver's clear view.

(3) The windshield on a motor vehicle must be equipped with a device for clearing rain, snow, or other moisture from the windshield. The device must be maintained in good working order.

(4) A person may not operate a motor vehicle that is required to be registered in this state upon a highway if:

(a) the windshield has sunscreening material that is not clear and transparent below the AS-1 line or if it has a sunscreening material that is red, yellow, or amber in color above the AS-1 line;

(b) the front side windows have sunscreening or other transparent material that has a luminous reflectance of more than 35% or has light transmission of less than 24%;

(c) the rear window or side windows behind the front seat have sunscreening or other transparent material that has a luminous reflectance of more than 35% or has light transmission of less than 14%, except for the rear window or side windows behind the front seat on a multipurpose vehicle, van, or bus; or

(d) the windows of a camper, motor home, pickup cover, slide-in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 CFR 571.205.

(5) As used in 61-9-428, 61-9-429, and this section, the following definitions apply:

~~(a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons.~~

~~(b)~~(a) "Glass-plastic glazing material" means a laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle.

~~(c)~~(b) "Light transmission" means the ratio of the amount of total light, expressed in percentages, that is allowed to pass through the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

~~(d)~~(c) "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, that is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

~~(e) "Motor home" means a multipurpose passenger vehicle that provides living accommodations.~~

~~(f)~~(d) "Multipurpose vehicle" means a motor vehicle designed to carry 10 or fewer passengers that is constructed on a truck chassis or with special features for occasional off-road use.

~~(g)~~(e) "Pickup cover" means a camper having a roof and sides but without a floor designed to be mounted

on and removable from the cargo area of a pickup truck by the user.

~~(h)~~(f) "Slide-in camper" means a camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user.

~~(i)~~(g) "Sunscreening material" means a film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.

(6) Except as provided in subsection (7), subsection (4) applies to all vehicles that are equipped with tinted windows, including windows with less than 100% light transmission to which additional sunscreening material has been applied.

(7) Subsection (4) does not apply to a multipurpose vehicle that is equipped with tinted windows that were installed by the manufacturer of the vehicle or to a hearse, ambulance, government vehicle, or any other vehicle to which a currently valid certificate of waiver is affixed as specified under 61-9-428. A certificate of waiver must be issued by the department for a vehicle that was registered in this state on October 1, 1991, and was equipped with a sunscreening device or other material prohibited under subsection (4) on October 1, 1991."

Section 220. Section 61-9-406, MCA, is amended to read:

"61-9-406. Restrictions as to tire equipment -- particular tires, chains, or traction equipment -- definitions. (1) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.

(3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat, or spike, or other protuberance of a material other than rubber that projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with material, such as wood, wire, plastic or metal, that may not protrude more than one-sixteenth of an inch beyond the tire tread or that are clearly marked by the manufacturer on the sidewall "all season m&s" (or "all season mud and snow"), upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The use of pneumatic tires embedded as provided in this section is permitted only between October 1 and May 31 of each year, except that one of those tires may be used for a spare in case of tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through the following June 15.

(4) The department of transportation and local authorities, as defined in 61-8-102, in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of farm

tractors or other farm machinery or of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks, the operation of which upon the highway would otherwise be prohibited under this section.

(5) If the department of transportation determines at any time that dangerous or unsafe conditions on a highway require particular tires, tire chains, or traction equipment for vehicles in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of the equipment for all vehicles using the highway:

(a) chains or other approved traction devices recommended for driver wheels;

(b) chains or other approved traction devices required for driver wheels; or

(c) chains required for driver wheels.

(6) Equipment required by subsection (5)(b) or (5)(c) must conform to rules established by the department of justice.

(7) The department of transportation shall place and maintain signs and other traffic control devices on a highway designated under subsection (5) that indicate the tire, tire chain, or traction equipment recommendation or requirement determined for vehicles. The signs or traffic control devices may not prohibit the use of pneumatic tires embedded as provided in subsection (3) between October 1 and May 31 of each year, but when the department of transportation determines that chains are required and that no other traction equipment will suffice, the requirement is applicable to tires on driver wheels of one axle, as defined in 61-10-104, of a vehicle, including embedded tires. The signs or traffic control devices may differentiate in recommendations or requirements for four-wheel-drive vehicles in gear.

(8) As used in this section:

(a) "metal tire" means a tire the surface of which in contact with the highway is wholly or partly metal or other hard nonresilient material; and

(b) "pneumatic tire" means a tire in which compressed air or nitrogen is designed to support the load."

Section 221. Section 61-9-412, MCA, is amended to read:

"61-9-412. Display of warning devices when vehicle disabled. (1) Whenever ~~any~~ a motor truck, passenger bus, truck, tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder ~~thereof~~ of a highway outside of any municipality at any time when lighted lamps are required on vehicles, the driver of ~~such~~ that vehicle shall display the following warning devices upon the highway during the time the vehicle is ~~so~~ disabled on the highway except as provided in subsection (2):

(a) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector ~~shall~~ must be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon ~~thereafter~~ as possible after complying with subsection (1)(a), but ~~in any event~~ within the burning period of the fusee (15 minutes), the driver shall place three liquid burning flares (pot torches), ~~or~~ three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) one approximately 100 feet from the disabled vehicle in the center of the lane occupied by ~~such~~ the vehicle and toward traffic approaching in that lane;

(ii) one approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by ~~such~~ the vehicle;

(iii) one at the traffic side of the disabled vehicle not less than 10 feet rearward or forward ~~thereof~~ of the vehicle in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subsection (1)(b)(i) ~~of this section~~, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within 500 feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction ~~shall~~ must be ~~so~~ placed ~~as~~ in order to afford ample warning to other users of the highway but in no case less than 500 feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) ~~shall~~ must be placed as follows:

(a) one at a distance of approximately 200 feet from the vehicle, in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(b) one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane;

(c) one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder ~~thereof~~ of a highway outside of any municipality at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, or at a distance of approximately 100 feet in advance of the vehicle, and one at a distance of approximately 100 feet to the rear of the vehicle.

(5) (a) Whenever ~~any~~ a motor vehicle used in the transportation of explosives, ~~or any~~ a cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or ~~any~~ a motor vehicle using compressed gas as a fuel~~,~~ is disabled upon any highway of this state at any time or place mentioned in

subsection (1) ~~of this section~~, the driver of ~~such~~ the vehicle shall immediately display ~~the following warning devices:~~

~~(a)~~ one red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle and two red electric lanterns or portable red reflectors, one placed approximately 100 feet to the front and one placed approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by ~~such~~ the vehicle~~;~~.

(b) ~~flares~~ Flares, fusees, or signals produced by flame ~~shall~~ may not be used as warning devices for disabled vehicles of the type mentioned in this subsection (5).

(6) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section ~~shall~~ must conform with the applicable requirements of 61-9-411 ~~applicable thereto~~.

(7) As used in this section, "flammable liquid" means any liquid that has a flash point of 70 degrees Fahrenheit or less as determined by a Tagliabue or equivalent closed cup test device."

Section 222. Section 61-9-415, MCA, is amended to read:

"61-9-415. Slow-moving vehicles. (1) It is unlawful for a person to operate on a state highway, a farm, rural, or county road, or a city street of this state a slow-moving vehicle or equipment, an animal-drawn vehicle, or any other machinery, including all road construction or maintenance machinery, except when engaged in actual construction or maintenance work either guarded by a flag person, as defined in 61-8-102, or clearly visible warning signs, that normally travels or is normally used at a speed of less than 25 miles an hour, unless there is displayed on the rear of the vehicle an emblem as provided in subsection (2). The requirement of the emblem is in addition to any lighting devices required by law.

(2) The emblem required by subsection (1) must be of substantial construction and must be a based-down equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of 14 inches and a height of 12 inches. The triangle must be bordered with reflective red strips having a minimum width of 1 3/4 inches, with the vertices of the overall triangle truncated so that the remaining height is a minimum of 14 inches. The emblem must be mounted on the rear of the vehicle near the horizontal geometric center of the vehicle at a height of 3 to 5 feet above the roadway and must be maintained in a clean, reflective condition.

(3) In addition to the requirements in subsection (2), on a highway that has only two lanes for traffic moving in opposite directions, when an overtaking vehicle being operated in conformity with 61-8-303 does not have a clear lane for passing as required by 61-8-325, the driver of a slower-moving, overtaken vehicle shall, at the first opportunity and when a safe turnout exists, move the overtaken vehicle off the main-traveled portion of the highway until the overtaking vehicle is safely clear of the overtaken vehicle.

(4) On an interstate highway or on any other four-lane highway, a slow-moving vehicle, subject to the

requirements of this section, must be driven in the right lane as far to the right as possible, including the shoulder of the highway."

Section 223. Section 61-9-426, MCA, is amended to read:

"61-9-426. Air-conditioning equipment -- use of flammable refrigerant prohibited. (1) Air-conditioning equipment must be maintained with due regard for the safety of the occupants of the vehicle, service technicians, and the public.

(2) Air-conditioning equipment may contain only refrigerant that has been included in the list published by the United States environmental protection agency as a safe alternative motor vehicle air-conditioning substitute for chlorofluorocarbon-12 pursuant to 42 U.S.C. 7671k(c).

(3) A person may not equip or maintain a motor vehicle or special mobile equipment with air-conditioning equipment or refrigerants that do not comply with the requirements of this section.

(4) As used in 61-9-427 and this section, "air-conditioning equipment" means mechanical, belt-driven, vapor compression refrigerant equipment that is used to cool the driver's compartment or passenger compartment of a motor vehicle~~, as defined in 61-1-102,~~ or special mobile equipment~~, as defined in 61-1-104~~."

Section 224. Section 61-10-102, MCA, is amended to read:

"61-10-102. Width -- definition. (1) Except as provided in subsection (2), a vehicle, including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width for buses is allowed only on paved highways 20 feet or more in width.

(2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling hay that is moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle used for hauling hay. If the implement or vehicle is more than 12 1/2 feet wide, it must be preceded by flag vehicle escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15 feet overall width that are used in farming operations or to movement on a county road within 100 miles of the farming operation of the owner of an implement of husbandry or a vehicle used for hauling hay. Lights that meet the requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be preceded and followed by flag vehicle escorts unless the movement of the implements or vehicles is restricted to a county road within 100 miles of the farming operation of the owner.

(b) An implement of husbandry or a vehicle used for hauling hay that exceeds 16 1/2 feet in width and that is traveling on an interstate or a four-lane highway must be followed by a flag vehicle escort.

(c) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be granted a permit subject to the provisions of 61-10-121 through 61-10-127 and the following requirements:

(i) travel during daylight hours only for an oversize shipment of large round bales of hay, whether the vehicle is loaded or with an empty hay rack, up to 144 inches; when empty, a square red or orange flag measuring 12 inches on each side must be attached to each corner of the hay rack; and

(ii) travel day or night for any other shipment of baled hay, whether the vehicle is loaded or with an empty hay rack, up to 114 inches.

(d) Subsection (1) does not apply to a commercial hay grinder moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to operations of the commercial hay grinder. A commercial hay grinder exceeding 102 inches in width must have a permit issued under 61-10-124. If the commercial hay grinder is more than 12 1/2 feet wide, it must be preceded by flag vehicle escorts to warn other highway users. Lights that meet the requirements of 61-9-219(4) must be displayed on the rear of the commercial hay grinder. Movement of a commercial hay grinder that does not exceed 138 inches in width may occur on any day of the week, including holidays, and is restricted to movement during daylight hours. Movement of a commercial hay grinder may not exceed the posted speed limit, including the speed limit on an interstate highway.

(3) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided in subsection (1).

(4) For the purposes of this section, ~~"county road" has the same meaning as the term is defined in 60-1-103~~ "flag vehicle" means a vehicle equipped as required by law or by department of transportation rule to warn or guide vehicular traffic. When not being operated as a flag vehicle, signs must be removed."

Section 225. Section 61-10-104, MCA, is amended to read:

"61-10-104. Length -- definitions. (1) A single truck, bus, or self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 55 feet.

(2) (a) When used in a truck tractor-semitrailer combination, the semitrailer may not exceed 53 feet in length, excluding those portions not designed to carry a load, except as provided by 61-10-124. When used in a truck tractor-semitrailer-trailer or a truck tractor-semitrailer-semitrailer combination, the semitrailer and trailer or the two semitrailers may not exceed 28 1/2 feet each in length or 61 feet in combined trailer length, excluding those portions not designed to carry a load, except as provided by 61-10-124. Truck tractor-semitrailer, truck tractor-semitrailer-trailer, and truck tractor-semitrailer-semitrailer combinations are not subject to a combination length limit.

(b) A stinger-steered automobile or boat transporter may not exceed 75 feet in length plus a maximum 3 feet of front overhang and 4 feet of rear overhang, except as provided by 61-10-124. "Stinger-steered automobile or boat transporter" means a truck tractor-semitrailer combination that has a fifth wheel on a drop frame located behind and below the rear axle of the truck tractor and that is designed and used for the transportation of vehicles or assembled boats or boat hulls.

(c) All other combinations of vehicles may not have a combination length in excess of 75 feet, except as provided by 61-10-124. If the combination consists of more than two units, the rear units of the combination must be equipped with breakaway brakes.

(3) A motor vehicle may not tow more than one motor vehicle, and a motor vehicle may not draw more than three motor vehicles attached to it by the triple saddle-mount method (that is, by mounting the front wheels of one vehicle on the bed of another, leaving only the rear wheels of the vehicle in contact with the roadway), and this combination may not have a combination length in excess of 75 feet.

(4) A passenger vehicle or truck of less than 2,000 pounds "manufacturer's rated capacity" may not tow more than one trailer or semitrailer, and this combination may not have a length in excess of 65 feet.

(5) (a) The length of a vehicle combination consisting of a truck or truck-tractor and one pole trailer or semitrailer hauling raw logs may not exceed 75 feet in overall length. As used in this subsection (5)(a), the term "length" means the total length of the vehicle combination beginning at the front of the front bumper of the truck or truck-tractor and extending to the most distant end of the logs being hauled. A term permit for an overlength vehicle combination, as provided in 61-10-124(2), does not apply to the vehicle combination described in this subsection (5)(a). A vehicle combination exceeding 75 feet must have a trip permit.

(b) The maximum overhang of any log may not exceed 15 feet, except by special, single-trip permit. Overhang is measured from the center of the rear-most axle to the most distant end of the logs being hauled.

(c) The provisions in subsections (5)(a) and (5)(b) do not apply to a vehicle combination hauling utility poles.

(6) As used in this chapter, the following definitions apply:

(a) "Axle" means a transverse beam that is the common axis of rotation of one or more wheels and that, to receive credit for allowable total gross loading, must be capable of continuously transmitting a proportionate share of the total gross load to the roadway when the axle is in operation.

~~(a)~~(b) "Combination length" means the total length of a combination of vehicles, such as a truck tractor-semitrailer-trailer combination, measured from the front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer, including the connection tongues.

~~(b)~~(c) "Combined trailer length" means the total length of a combination of trailers measured from the front of the first trailer to the back of the last trailer, including the connection tongues and loads.

~~(c)~~(d) "Length", except as provided in subsection (5)(a), means the total longitudinal dimension of a single

vehicle, a trailer, or a semitrailer. The length of a trailer or semitrailer is measured from the front of the cargo-carrying unit to its rear, exclusive of safety or energy efficiency devices, air-conditioning units, air compressors, flexible fender extensions, splash and spray suppressant devices, bolsters, mechanical fastening devices, and hydraulic lift gates.

~~(d)~~(e) "Rocky Mountain double" means a combination of vehicles that includes a truck tractor pulling a long semitrailer and a shorter trailer."

Section 226. Section 61-10-123, MCA, is amended to read:

"61-10-123. Haystack movers. (1) A self-propelled vehicle used only for the purpose of moving haystacks on a commercial basis is subject to 61-10-121 through 61-10-127, except as ~~follows:~~ provided in subsections (2) through (8).

~~(1)~~(2) The vehicle, loaded or unloaded, may not exceed 55 feet in length or 20 feet in width.

~~(2)~~(3) A single load may not be moved on the vehicle a distance greater than 75 miles from the point of origin on public roads.

~~(3)~~(4) When the vehicle is hauling a load, it ~~shall~~ must be accompanied by two pilot cars. Each car ~~shall~~ must be equipped with a flashing warning light, a red flag, and a sign with the words "wide load" written on it. One car ~~shall~~ must precede the vehicle by not less than 100 yards or more than one-fourth mile, and one ~~shall~~ car must follow the vehicle at a distance not less than 100 yards or more than one-fourth mile. The following pilot car ~~shall~~ must be in radio contact with the vehicle at all times.

~~(4)~~(5) The speed of the vehicle ~~shall~~ must be reasonable and proper but not in excess of 35 miles per hour.

~~(5)~~(6) The vehicle ~~shall~~ may be operated only between the hours of sunrise and sunset.

~~(6)~~(7) The vehicle may not be operated on an interstate or a controlled-access highway as defined in 61-8-102.

~~(7)~~(8) A term or blanket permit may be issued for the vehicle."

Section 227. Section 61-10-141, MCA, is amended to read:

"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads -- enforcement of motor carrier safety standards -- duty to obtain bills of lading for agricultural seeds -- authority to inspect diesel-powered vehicles. (1) A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except recreational vehicles ~~as defined in 61-1-132~~, travel trailers, or motor homes, by means of either portable or stationary scales and may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person may then require the driver to unload at a designated facility that

portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the load can be safely reduced to legal limits.

(2) Commodities and material unloaded as required by this section must be cared for by the owner or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by this section may not be left on the highway right-of-way.

(3) The department of transportation may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup trucks under 14,000 pounds GVW and recreational vehicles ~~as defined in 61-1-132 (~~that are not new or used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer~~)~~, to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements. The department may require vehicles over 10,000 pounds to be inspected and weighed by portable scale crews.

(4) The department of transportation shall work with the highway patrol in the enforcement of safety standards adopted pursuant to 44-1-1005. For the purposes of the joint enforcement, the highway patrol is designated as the lead agency. The highway patrol and the department of transportation shall cooperate to ensure minimum duplication and maximum coordination of enforcement effort.

(5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the department of transportation shall designate employees as peace officers. The designated employees must be employed in the administration of the motor carrier services functions of the department of transportation. Each employee designated as a peace officer may:

(a) issue citations and make arrests in connection with violations of safety standards adopted under 44-1-1005;

(b) issue summons;

(c) accept bail;

(d) serve warrants for arrest;

(e) make reasonable inspections of cargo carried by commercial motor vehicles;

(f) make reasonable safety inspections of commercial motor vehicles used by motor carriers; and

(g) require production of documents relating to the cargo, driver, routing, or ownership of the commercial motor vehicles.

(6) In addition to other enforcement duties assigned under this section, an employee of the department of

transportation who is appointed pursuant to 61-12-201 has:

(a) the same authority to enforce provisions of the motor carriers law as that granted the public service commission under 69-12-203;

(b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery for shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in Montana and to forward the copies to the department of agriculture within 24 hours of the date the bill of lading was obtained; and

(c) the authority, if probable cause exists, to stop and inspect a supply tank connected to the engine of any diesel-powered motor vehicle operating on the public highways of this state in order to determine compliance with Title 15, chapter 70, part 3.

(7) The department of transportation shall report to the revenue and transportation interim committee at least once each year on its enforcement, pursuant to the authority provided in subsection (6)(c), of the provisions of Title 15, chapter 70, part 3, and on any impacts that enforcement has had on the state special revenue fund."

Section 228. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines and forfeited bonds. (1) Except as provided in 61-12-701 and subsection (2) of this section, all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the ~~department of revenue~~ state, as provided in 15-1-504, for deposit in the state general fund. This subsection does not apply to fines and forfeited bonds paid to justices' courts.

(2) If the apprehension or arrest was for a violation of Title 61, chapter 10, and if the offense occurred on a road or highway not included under the provisions of 60-2-128 and 60-2-203, all money collected as fines and forfeited bonds must be deposited in the state general fund."

Section 229. Section 61-10-206, MCA, is amended to read:

"61-10-206. Special fees -- certain farm vehicles. (1) Except for motortrucks owned and operated by cooperative associations or cooperative marketing associations, there must be paid and collected annually a fee equal to 35% of the fees provided in 61-10-201 on:

(a) motortrucks owned and operated by ranchers or farmers in:

(i) the transportation of their own ranch, farm, orchard, or dairy products from point of production to market;

(ii) the transportation of timber harvested on their own ranch, farm, orchard, or dairy from point of harvest to market;

(iii) the transportation of supplies, commodities, or equipment to be used on the ranch, farm, orchard, or

dairy;

(iv) the infrequent or seasonal transportation by one farmer for another for any purpose other than commercial hire of products of the farm, orchard, or dairy; or

(v) the transportation of supplies or commodities to be used on the farm, orchard, or dairy; and

(b) one truck tractor and lowboy trailer used by contractors engaged exclusively in soil conservation work and land leveling activities that result in direct benefit to agriculture.

(2) The minimum fee is $6.

(3) A motor vehicle or trailer designed and used to apply fertilizer to agricultural land must be treated as special mobile equipment."

Section 230. Section 61-10-225, MCA, is amended to read:

"61-10-225. Disposition of fees collected by county treasurer. The county treasurer shall transmit the fees provided for in 61-10-222 to the ~~department of revenue~~ state, as provided in 15-1-504, for deposit to the credit of the department of transportation in the highway revenue account. The remittance must be made on forms furnished to the county treasurer by the department of transportation."

Section 231. Section 61-11-203, MCA, is amended to read:

"61-11-203. Definitions. As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty or nolo contendere, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle that is prohibited by law, ordinance, or administrative order.

(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to

stop at the scene of the accident and give the required information and assistance, as ~~defined~~ described in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of $250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points; however ~~(~~this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired~~)~~;

(l) speeding, except as provided in 61-8-725(2), 3 points;

(m) all other moving violations, 2 points.

(3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

(4) "License" means any type of license or permit to operate a motor vehicle.

(5) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a person while operating a motor vehicle or in actual physical control of a motor vehicle upon a highway~~, as the term is defined in 61-1-201~~.

(6) A traffic regulation includes any provision governing motor vehicle operation, equipment, safety, size, weight, and load restrictions or driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking."

Section 232. Section 61-12-101, MCA, is amended to read:

"61-12-101. Powers of local authorities to regulate traffic. The provisions of ~~chapter~~ chapters 8 and ~~chapter~~ 9 ~~shall~~ may not be ~~deemed~~ considered to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(1) regulating the standing or parking of vehicles;

(2) regulating the traffic by means of police officers or traffic control devices;

(3) regulating or prohibiting processions or assemblages on the highways;

(4) designating particular highways as one-way highways and requiring that all vehicles ~~thereon be moved~~ on those highways to move in one specific direction;

(5) regulating the speed of vehicles in public parks;

(6) designating any highway as a through highway, as defined in 61-8-341, and requiring that all the vehicles stop before entering or crossing the ~~same~~ highway, designating any intersection, as defined in 61-8-102, as a stop intersection, and requiring all vehicles to stop at one or more entrances to ~~such~~ those intersections;

(7) restricting the use of highways as authorized in 61-10-128(2);

(8) regulating the operation of bicycles, as defined in 61-8-102, and requiring the registration and licensing of ~~same~~ bicycles, including the requirement of a registration fee;

(9) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

(10) altering the speed limits as authorized ~~herein~~ in this part;

(11) regulating the driving of vehicles by ~~any~~ a person who is ~~an~~ a habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree ~~which~~ that renders ~~him~~ the person incapable of safely driving a vehicle within the incorporated limits of ~~any~~ a city or town;

(12) regulating or prohibiting ~~any~~ a person who is under the influence of intoxicating liquor from driving or being in actual physical control of any vehicle within the incorporated limits of ~~any~~ a city or town;

(13) regulating or prohibiting the driving of vehicles by ~~any~~ a person in a willful or wanton disregard for the safety of persons or property within the incorporated limits of ~~any~~ a city or town;

(14) enacting as ordinances any ~~and all provisions~~ provision of chapter 8 or ~~chapter~~ 9 and any ~~and all~~ other ~~laws~~ law regulating traffic, pedestrians, vehicles, and operators ~~thereof~~ of vehicles~~,~~ that are not in conflict with state law or federal regulations and ~~to enforce~~ enforcing the ~~same~~ ordinances within their jurisdiction."

Section 233. Section 61-12-102, MCA, is amended to read:

"61-12-102. Private parking services -- parking citations. (1) As used in this section, the following definitions apply:

(a) "Local government" means a municipality, if the private parking service operates parking services within a municipality, or a county, if ~~such~~ the services are not operated within a municipality.

(b) "Private parking service" means the service of providing areas for parking motor vehicles~~, as defined in 61-1-102,~~ by the general public for compensation and includes ~~such~~ those services conducted:

(i) on private property; or

(ii) on public property under contract or agreement with the local government.

(2) A local government may by ordinance allow a private parking service to impound a motor vehicle. A motor vehicle may not be impounded by attaching a device that makes the motor vehicle immobile.

(3) A private parking service may enter into an agreement with the local government to authorize employees of the private parking service to issue citations for parking violations as defined by state, municipal, or county laws, ~~which~~ that occur within the boundaries of the private parking service's parking areas. All ~~such~~ citations

must be considered within the jurisdiction of the local government and must be handled in the same manner as citations issued by peace officers ~~thereof~~ of the local government."

Section 234. Section 61-13-103, MCA, is amended to read:

"61-13-103. Seatbelt use required -- exceptions. (1) A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that the occupant is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

(c) an operator of a motorcycle ~~as defined in 61-1-105~~ or a motor-driven cycle ~~as defined in 61-1-106~~;

(d) an occupant of a vehicle licensed as special mobile equipment ~~as defined in 61-1-104~~; or

(e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may be exempted by the department.

(3) The department may adopt rules to implement subsection (2)(e).

(4) The department or its agent may not require a driver who may be in violation of this section to stop except upon reasonable cause to believe that the driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law."

Section 235. Section 75-10-532, MCA, is amended to read:

"75-10-532. Disposition of money collected. All money received from the sale of junk vehicles or from recycling of the material and all motor vehicle wrecking facility license fees must be remitted to the ~~department of revenue~~ state, as provided in 15-1-504. The money must be used for the control, collection, recycling, and disposal of junk vehicles and component parts and for the removal of abandoned vehicles."

Section 236. Section 76-2-202, MCA, is amended to read:

"76-2-202. Establishment of zoning districts -- regulations. (1) (a) Within the unincorporated portions of a jurisdictional area that has been established under provisions of 76-1-501 through 76-1-503 or 76-1-504 through 76-1-507, the board of county commissioners may by resolution establish zoning districts and zoning regulations for all or part of the jurisdictional area.

(b) An action challenging the creation of a zoning district must be commenced within 5 years after the date of the order by the board of county commissioners creating the district.

(2) Within some zoning districts, it is lawful and within others it is unlawful to erect, construct, alter, or maintain certain buildings or to carry on certain trades, industries, or callings.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) Within each district the height and bulk of future buildings and the area of the yards, courts, and other open spaces and the future uses of the land or buildings must be limited and future building setback lines must be established.

(5) All regulations must be uniform for each class or kind of buildings throughout a district, but the regulations in one district may differ from those in other districts.

(6) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in ~~61-1-501~~ 61-1-101.

(7) Nothing contained in this section may be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

Section 237. Section 76-2-302, MCA, is amended to read:

"76-2-302. Zoning districts. (1) For the purposes of 76-2-301, the local city or town council or other legislative body may divide the municipality into districts of the number, shape, and area as are considered best suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

(2) All regulations must be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on

site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in ~~61-1-501~~ 61-1-101.

(5) This section may not be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

Section 238. Section 87-2-803, MCA, is amended to read:

"87-2-803. Persons with disabilities -- definitions. (1) Persons with disabilities are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they are residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental rule. A person who has purchased a conservation license and a resident fishing license or game bird license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing license or game bird license previously purchased for that license year. A person who is certified as disabled pursuant to subsection (3) and who was issued a permit to hunt from a vehicle for license year 2000 or a subsequent license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria for obtaining a permit does not change.

(2) A resident of Montana who is certified as disabled by the department and who is not residing in an institution may purchase regular resident deer and elk licenses at one-half the fee paid by a resident who is 15 years of age or older and who is under 62 years of age. A person who has purchased a conservation license and a resident deer license or resident elk license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously purchased and reissuance of the license for that license year at the rate established in this subsection.

(3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle, on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to subsection (8). The department shall adopt rules to establish a voluntary board or boards of review to resolve any disputes over whether a person meets the criteria established in subsection (8). Each board must have at least one Montana-licensed physician as a member.

(4) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection as a permitholder, may hunt by shooting a firearm from the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in ~~61-1-202~~ 61-1-101, except a state or federal highway, or may hunt by shooting a firearm from within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public highway, where hunting is permitted. This subsection does not allow a permitholder to shoot across the roadway of any

public highway or to hunt on private property without permission of the landowner. A permitholder must have a companion to assist in immediately dressing any killed game animal. The companion may also assist the permitholder by hunting a game animal that has been wounded by the permitholder when the permitholder is unable to pursue and kill the wounded game animal. Any vehicle from which a permitholder is hunting must be conspicuously marked with an orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle, or as prescribed by the department.

(5) (a) A resident of Montana who is certified by the department as experiencing blindness, as defined in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of $10. The license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by department rule. An applicant for a license under this subsection need not obtain a wildlife conservation license as a prerequisite to licensure.

(b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may be issued regular resident deer and elk licenses in the manner provided in subsection (2), and must be accompanied by a companion, as provided in subsection (4).

(6) The department shall adopt rules to establish the qualifications that a person must meet to be a companion and may adopt rules to establish when a companion can be a designated shooter for a disabled person.

(7) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers to a person experiencing a condition medically determined to be permanent and substantial and resulting in significant impairment of the person's functional ability.

(8) A person is entitled to a permit to hunt from a vehicle if the person:

(a) is certified by a licensed physician to be dependent on an oxygen device or dependent on a wheelchair, crutch, or cane for mobility;

(b) is an amputee above the wrist or ankle; or

(c) is certified by a licensed physician to be unable to walk, unassisted, 600 yards over rough and broken ground while carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25 pounds.

(9) Certification by a licensed physician under subsection (8) must be on a form provided by the department.

(10) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may request a review by a voluntary board of review pursuant to subsection (3)."

Section 239. Section 87-3-101, MCA, is amended to read:

"87-3-101. General restrictions. Except as provided in 87-2-803(4), it is unlawful for anyone to hunt or attempt to hunt any game animal or game bird:

(1) from any self-propelled or drawn vehicle;

(2) on, from, or across any public highway or the shoulder, berm, or barrow pit right-of-way of any public highway, as defined in ~~61-1-202~~ 61-1-101, in the state of Montana; or

(3) by the aid or with the use of any set gun, jacklight, spotlight or other artificial light, trap, snare (except as allowed in 87-3-127 and 87-3-128), salt lick, or bait."

Section 240. Repealer. Sections 23-2-516, 23-2-517, 23-2-518, 23-2-626, 23-2-803, 23-2-817, 61-1-102, 61-1-103, 61-1-104, 61-1-105, 61-1-106, 61-1-107, 61-1-108, 61-1-109, 61-1-110, 61-1-111, 61-1-112, 61-1-113, 61-1-114, 61-1-115, 61-1-116, 61-1-117, 61-1-118, 61-1-119, 61-1-120, 61-1-121, 61-1-123, 61-1-124, 61-1-125, 61-1-126, 61-1-127, 61-1-128, 61-1-129, 61-1-130, 61-1-131, 61-1-132, 61-1-133, 61-1-134, 61-1-135, 61-1-136, 61-1-137, 61-1-138, 61-1-139, 61-1-140, 61-1-141, 61-1-142, 61-1-201, 61-1-202, 61-1-203, 61-1-204, 61-1-205, 61-1-206, 61-1-207, 61-1-208, 61-1-209, 61-1-210, 61-1-211, 61-1-212, 61-1-301, 61-1-302, 61-1-303, 61-1-304, 61-1-305, 61-1-306, 61-1-307, 61-1-308, 61-1-309, 61-1-310, 61-1-311, 61-1-313, 61-1-314, 61-1-315, 61-1-316, 61-1-317, 61-1-318, 61-1-319, 61-1-320, 61-1-321, 61-1-401, 61-1-402, 61-1-403, 61-1-404, 61-1-405, 61-1-406, 61-1-407, 61-1-408, 61-1-409, 61-1-410, 61-1-411, 61-1-412, 61-1-413, 61-1-414, 61-1-415, 61-1-501, 61-1-502, 61-1-503, 61-1-504, 61-1-505, 61-1-506, 61-1-507, 61-1-508, 61-1-509, 61-1-510, 61-1-511, 61-1-512, 61-1-513, 61-1-514, 61-1-515, 61-1-601, 61-1-602, 61-1-603, 61-1-604, 61-3-521, 61-3-522, 61-3-523, 61-3-527, 61-3-528, 61-3-530, 61-3-560, and 61-3-561, MCA, are repealed.

Section 241. Codification instruction. [Section 203] is intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 203].

Section 242. Coordination instruction. If both House Bill No. 752 and [this act] are passed and approved, section 61-3-204 must read as follows:

"61-3-204. Replacement certificate of title -- application. (1) If a certificate of title is lost, stolen, destroyed, mutilated, or becomes illegible or if the owner wants to update personal information on the electronic record of title or have a replacement certificate of title issued with updated information, the owner, as shown on the electronic record of title, may apply for and request the department to issue a replacement certificate of title. The application must include satisfactory evidence of the facts requiring the replacement certificate of title and be accompanied by a fee of ~~$10~~ $11. Of the ~~$10~~ $11 fee, $5 must be deposited in the state general fund in accordance with 15-1-504, ~~and the remaining~~ $5 must be ~~forwarded to the department for deposit~~ deposited in the motor vehicle information technology system account provided for in 61-3-550, and the remaining $1 must be deposited in the court information technology improvement program account provided for in [section 5 of

House Bill No. 752].

(2) Each replacement certificate of title issued by the department must contain the following statement: "This replacement voids any previously issued title.""

Section 243. Coordination instruction. If both House Bill No. 275 and [this act] are passed and approved, then the code commissioner shall change all references to vehicle in subsection (2)(b)(iii) of 61-3-208 in House Bill No. 275 to references to motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile.

Section 244. Coordination instruction. If both Senate Bill No. 79 and [this act] are passed and approved, then the code commissioner shall change all references to vehicle in subsection (1) of 61-3-460 in Senate Bill No. 79 to references to motor vehicle.

Section 245. Coordination instruction. If both Senate Bill No. 68 and [this act] are passed and approved, then [section 4] of Senate Bill No. 68 must read as follows:

"NEW SECTION. **Section 4. Property subject to registration fee.** The following property that is subject to a registration fee is exempt from property taxation:

(1) truck canopy covers or toppers and campers;

(2) motor homes;

(3) all watercraft;

(4) all trailers, semitrailers, pole trailers, and travel trailers as those terms are defined in 61-1-101;

(5) all vehicles registered under 61-3-456;

(6) (a) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(b) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (6)(a);

(7) motorcycles and quadricycles; and

(8) light vehicles as defined in 61-1-101."

Section 246. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2006.

(2) [Section 4 and this section] are effective July 1, 2005.

- END -

I hereby certify that the within bill,

SB 0285, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this   □ 0; &# 160; day

of   0; &# 160; □ 0;, 2005.

Speaker of the House

Signed this   □ 0; &# 160; day

of   0; &# 160; □ 0;, 2005.

Latest Version of SB 285 *(SB0285.ENR)*

Processed for the Web on April 18, 2005 (2:55pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the status of this bill for the bill's primary sponsor.

Status of this Bill | 2005 Legislature | Leg. Branch Home

This bill in WP 5.1 | All versions of all bills (WP 5.1 format)

Authorized print version w/line numbers (PDF format)

[NEW SEARCH]

Prepared by Montana Legislative Services

(406) 444-3064